

By Senator Simon

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1 A bill to be entitled
2 An act relating to juvenile justice; renaming ch. 984,
3 F.S.; amending s. 984.01, F.S.; revising the purpose
4 and intent of ch. 984, F.S.; amending s. 984.02, F.S.;
5 revising the legislative intent for prevention and
6 intervention; amending s. 984.03, F.S.; providing and
7 revising definitions; amending s. 984.04, F.S.;
8 deleting legislative intent; revising requirements for
9 early truancy intervention; amending s. 984.06, F.S.;
10 revising provisions concerning preservation of records
11 and confidential information; amending s. 984.07,
12 F.S.; providing for appointment of counsel in certain
13 circumstances; providing for payment of counsel;
14 providing for imposition of costs of appointed counsel
15 on nonindigent parents in certain circumstances;
16 providing for appointment of counsel to represent a
17 parent or guardian in certain circumstances; amending
18 s. 984.071, F.S.; revising provisions concerning
19 production of an information guide explaining juvenile
20 procedures; requiring specified departments to post
21 the information guide on their websites; repealing s.
22 984.08, F.S., relating to attorney fees; repealing s.
23 984.085, F.S., relating to sheltering and aiding
24 unmarried minors; creating s. 984.0861, F.S.;
25 prohibiting the use of detention for specified
26 purposes; amending s. 984.09, F.S.; revising
27 provisions for a child's punishment for contempt of
28 court; limiting periods for placement for direct
29 contempt or indirect contempt; revising procedures for

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30 court proceedings and due process; amending s. 984.10,
31 F.S.; authorizing an authorized agent of the
32 Department of Juvenile Justice to perform intake;
33 revising provisions concerning referrals for service;
34 providing that, upon admission, a staff member may be
35 assigned to a family, depending on services; requiring
36 the abuse hotline to be contacted in certain
37 circumstances; amending s. 984.11, F.S.; revising
38 provisions concerning services to families; requiring
39 parents to use health care insurance to the extent
40 that it is available; deleting provisions concerning
41 fees charged for services and treatment and the
42 collection of fees; amending s. 984.12, F.S.; revising
43 provisions related to case staffing and the
44 composition of the case staff committee; requiring
45 that a child and his or her parent, guardian, or
46 custodian be invited to attend the committee meeting;
47 revising the case staffing committee's
48 responsibilities; requiring the department's
49 designated service provider to conduct a certain
50 review; authorizing a committee member to convene a
51 case staffing committee meeting under certain
52 circumstances; requiring that a case staff committee
53 meeting be convened after a certain referral;
54 authorizing meetings of the committee as necessary for
55 a certain purpose; amending s. 984.13, F.S.;

56 authorizing a child to be taken into custody pursuant
57 to a finding of contempt; specifying where a child
58 taken into custody may be placed in specified

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59 circumstances; revising the duties of a person taking
60 a child into custody; amending s. 984.14, F.S.;
61 revising provisions concerning voluntary shelter
62 services and placement of children in such services;
63 deleting provisions concerning involuntary placement
64 in a shelter; amending s. 984.15, F.S.; revising
65 requirements for petitions for a child in need of
66 services; amending s. 984.151, F.S.; providing for
67 early truancy intervention; providing for additional
68 services to be ordered if a student is found to be a
69 truant status offender; revising provisions concerning
70 compliance; providing for applicability in cases in
71 which a student is found to be a child in need of
72 services; providing for retention of jurisdiction by
73 courts; prohibiting shelter and detention care
74 placements for violations; providing an exception;
75 providing for service of court orders on specified
76 entities; amending s. 984.16, F.S.; requiring that a
77 student's school receive notice of certain actions by
78 the court; amending s. 984.17, F.S.; specifying when a
79 guardian ad litem may be appointed for a child;
80 revising provisions concerning representation of the
81 department in cases in which a child is alleged to be
82 in need of services; repealing s. 984.18, F.S.,
83 relating to referral of child-in-need-of-services
84 cases to mediation; amending s. 984.19, F.S.;
85 providing that an authorized agent of the department
86 may have a medical screening provided for a child
87 placed in shelter care; revising provisions concerning

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88 consent for medical care for a child in the care of
89 the department; amending s. 984.20, F.S.; revising
90 provisions for hearings in child in need of services
91 cases; providing that the failure of a person served
92 with notice to appear at the arraignment hearing
93 constitutes the person's consent to the child in need
94 of services petition; requiring a specified notice in
95 such petitions; revising requirements for disposition
96 hearings; requiring the court to enter an order of
97 disposition after a specified study and other relevant
98 materials are reviewed and the court hears from the
99 parties; revising requirements for review hearings and
100 the orders the court may enter; conforming provisions
101 to changes made by the act; amending s. 984.21, F.S.;
102 specifying that an order of adjudication by a court
103 that a child is a child in need of services is a civil
104 adjudication and not a conviction; deleting provisions
105 allowing a court to withhold an adjudication that a
106 child is in need of services in certain cases;
107 amending s. 984.22, F.S.; conforming provisions to
108 changes made by the act; deleting provisions on the
109 deposit of fees received; amending s. 984.225, F.S.;
110 revising when a child in need of services may be
111 placed in a shelter; revising placement procedures;
112 providing for counseling orders; specifying the effect
113 of a placement the legal responsibilities of a parent,
114 guardian, or custodian; providing limits for shelter
115 stays; deleting provisions concerning exhaustion of
116 less restrictive alternatives; providing for periodic

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117 review of placements; providing for transfer of a
118 child to the Department of Children and Families in
119 certain circumstances; authorizing transfer to the
120 custody of the Agency for Persons with Disabilities in
121 certain circumstances; amending s. 984.226, F.S.;
122 authorizing the department to contract for physically
123 secure settings; deleting provisions on legal
124 representation in certain proceedings; requiring
125 exhaustion of less restrictive placements before a
126 child may be placed in a physically secure shelter;
127 providing a time limit on secure shelter orders;
128 proving legislative intent; revising provisions
129 concerning review of secure shelter placements;
130 providing for transfer to other shelter placements in
131 certain circumstances; requiring a child to be
132 transferred to the Department of Children and Families
133 in certain circumstances; providing for the transfer
134 of a child to the Agency for Persons with Disabilities
135 in certain circumstances; transferring and renumbering
136 s. 985.731, F.S., as s. 787.035, F.S., relating to
137 offenses concerning providing sheltering unmarried
138 minors and aiding unmarried minor runaways; amending
139 s. 985.03, F.S.; revising the definition of the term
140 "child who has been found to have committed a
141 delinquent act"; amending s. 985.24, F.S.; prohibiting
142 placement of a child subject to certain proceedings
143 into secure detention care; amending s. 1003.26, F.S.;
144 authorizing that certain meetings with parents be
145 conducted virtually or by telephone; providing for

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146 child study team meetings in the absence of a parent,
147 legal guardian, or custodian or child; revising
148 interventions by such team; revising provisions
149 concerning required notice of a child's enrollment or
150 attendance issues; revising provisions concerning
151 returning a student to a parent or other party in
152 certain circumstances; amending s. 1003.27, F.S.;
153 revising reporting requirements for reports by school
154 principals to school boards concerning minor students
155 who accumulate more than a specified number of
156 absences; requiring actions by schools boards;
157 providing for remedial actions for failure to comply;
158 revising provisions concerning habitual truancy cases;
159 revising provisions concerning cooperative agreements;
160 revising who may begin certain proceedings and
161 prosecutions; deleting a provision concerning a civil
162 penalty for students; revising provisions concerning
163 habitually truant students; amending s. 381.02035,
164 F.S.; authorizing pharmacists employed by the
165 Department of Juvenile Justice to import drugs from
166 Canada under a specified program; amending s. 790.22,
167 F.S.; revising provisions concerning the treatment of
168 a finding that a minor violated specified provisions,
169 regardless of whether adjudication occurred or was
170 withheld, for the purposes of determining whether a
171 prior offense was committed; amending s. 985.12, F.S.;
172 deleting a requirement that the Department of Juvenile
173 Justice annually develop and produce best practice
174 models for prearrest delinquency citation programs;

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175 amending s. 985.126, F.S.; revising the requirements
176 for a quarterly report on prearrest citation programs;
177 amending s. 985.25, F.S.; providing for supervised
178 release or detention of a child despite the child's
179 risk assessment score in certain circumstances;
180 limiting the number of categories that a child may be
181 moved; amending s. 985.433, F.S.; requiring that a
182 child be placed on conditional release rather than
183 probation following discharge from commitment;
184 repealing s. 985.625, F.S., relating to literacy
185 programs for juvenile offenders; amending s. 985.632,
186 F.S.; deleting provision for development of a cost-
187 effectiveness model and application of the model to
188 each commitment program; amending ss. 95.11, 409.2564,
189 419.001, 744.309, 784.075, and 985.618, F.S.;
190 conforming cross-references and provisions to changes
191 made by the act; providing an effective date.

192
193 Be It Enacted by the Legislature of the State of Florida:

194
195 Section 1. Chapter 984, Florida Statutes, entitled
196 "Children and Families in Need of Services," is renamed
197 "Prevention and Intervention for School Truancy and Ungovernable
198 and Runaway Children."

199 Section 2. Section 984.01, Florida Statutes, is amended to
200 read:

201 984.01 Purposes and intent; personnel standards and
202 screening.—

203 (1) The purposes of this chapter are:

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204 (a) To provide judicial, nonjudicial, and other procedures
205 to address the status offenses of children who are truant from
206 school, run away from their caregivers, or exhibit ungovernable
207 behavior by refusing to follow the household rules of their
208 caregivers and engage in behavior that places the child at risk
209 of harm; and to ensure ~~assure~~ due process through which children
210 and other interested parties are assured fair hearings by a
211 respectful and respected court ~~or other tribunal~~ and the
212 recognition, protection, and enforcement of their constitutional
213 and other legal rights, ~~while ensuring that public safety~~
214 ~~interests and the authority and dignity of the courts are~~
215 ~~adequately protected.~~

216 (b) To provide for the care, safety, and protection of
217 children in an environment that cultivates ~~fosters~~ healthy
218 social, emotional, intellectual, and physical development; to
219 ensure the safety of children ~~secure and safe custody~~; and to
220 promote the education, health, and well-being of all children
221 under the state's care.

222 (c) To provide ~~ensure the protection of society, by~~
223 ~~providing~~ for a needs ~~comprehensive standardized~~ assessment of
224 the child's needs, strengths, and family dynamics so that the
225 most appropriate services ~~control, discipline, punishment, and~~
226 ~~treatment~~ can be provided in the most appropriate environment
227 ~~administered~~ consistent with the ~~seriousness of the act~~
228 ~~committed,~~ the community's long-term need for public safety and
229 the safety of the individual child, with consideration given to
230 the education and overall well-being, ~~the prior record of the~~
231 ~~child, and the specific rehabilitation needs of the child, while~~
232 ~~also providing restitution, whenever possible, to the victim of~~

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233 ~~the offense.~~

234 (d) To preserve and strengthen the child's family ties
235 whenever possible; provide for temporary shelter placement of
236 the child only when necessary to ensure the child's education,
237 safety, and welfare will benefit from shelter and when other
238 less restrictive alternatives have been exhausted; ~~by providing~~
239 ~~for removal of the child from parental custody only when his or~~
240 ~~her welfare or the safety and protection of the public cannot be~~
241 ~~adequately safeguarded without such removal; and, when the child~~
242 ~~is in temporary shelter placement, provide removed from his or~~
243 ~~her own family, to secure custody, care, and education;~~
244 encourage self-discipline; and increase protective factors
245 discipline for the child as nearly as possible equivalent to
246 that which should have been given by the parents; and to assure,
247 in all cases in which a child must be permanently removed from
248 parental custody, that the child be placed in an approved family
249 home, adoptive home, independent living program, or other
250 placement that provides the most stable and permanent living
251 arrangement for the child, as determined by the court.

252 (e)~~1.~~ To ensure ~~assure~~ that the adjudication and
253 disposition of a child alleged or found to be a child in need of
254 services ~~have committed a violation of Florida law~~ be exercised
255 with appropriate discretion and in keeping with the seriousness
256 of the misconduct ~~offense~~ and the need for ~~treatment~~ services,
257 and that all findings made under this chapter be based upon
258 facts presented at a hearing that meets the constitutional
259 standards of fundamental fairness and due process.

260 ~~2. To assure that the sentencing and placement of a child~~
261 ~~tried as an adult be appropriate and in keeping with the~~

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262 ~~seriousness of the offense and the child's need for~~
263 ~~rehabilitative services, and that the proceedings and procedures~~
264 ~~applicable to such sentencing and placement be applied within~~
265 ~~the full framework of constitutional standards of fundamental~~
266 ~~fairness and due process.~~

267 (f) To provide a court process through which school boards
268 are able to access the court for the limited purpose of early
269 truancy intervention for children, subject to compulsory
270 education, who are not engaging in regular school attendance,
271 and encourage school attendance by educating children and their
272 families on the importance of regular school attendance, and
273 provide services to families to prevent the child's pattern of
274 truancy from becoming habitual ~~children committed to the~~
275 ~~Department of Juvenile Justice with training in life skills,~~
276 ~~including career education.~~

277 (2) The department ~~of Juvenile Justice or the Department of~~
278 ~~Children and Families, as appropriate,~~ may contract with the
279 Federal Government, other state departments and agencies, county
280 and municipal governments and agencies, public and private
281 agencies, and private individuals and corporations in carrying
282 out the purposes of, and the responsibilities established in,
283 this chapter.

284 (a) If the department contracts with a provider for any
285 program for children, all personnel, including owners,
286 operators, employees, and volunteers, in the facility must be of
287 good moral character. The ~~Each contract entered into by either~~
288 ~~department and any agency providing services for the department~~
289 must require that each contract entered into for services
290 delivered on an appointment or intermittent basis by a provider

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291 that does or does not have regular custodial responsibility for
292 children and each contract with a school for before or aftercare
293 services must ensure that the owners, operators, and all
294 personnel who have direct contact with children are of good
295 moral character. A volunteer who assists on an intermittent
296 basis for less than 10 hours per month need not be screened if a
297 person who meets the screening requirement of this section is
298 always present and has the volunteer in his or her line of
299 sight.

300 (b) The department must ~~of Juvenile Justice and the~~
301 ~~Department of Children and Families shall~~ require employment
302 screening ~~pursuant to chapter 435,~~ using the level 2 standards
303 in set forth in that chapter 435 for personnel in programs for
304 children or youths.

305 (c) The department ~~of Juvenile Justice or the Department of~~
306 ~~Children and Families~~ may grant exemptions from disqualification
307 from working with children as provided in s. 435.07.

308 (d) A shelter used for the placement of children under this
309 chapter must be licensed by the Department of Children and
310 Families.

311 (3) ~~It is the intent of the Legislature that~~ This chapter
312 is to be liberally interpreted and construed in conformity with
313 its declared purposes.

314 Section 3. Section 984.02, Florida Statutes, is amended to
315 read:

316 984.02 Legislative intent for prevention and intervention
317 under this chapter the juvenile justice system.-

318 (1) GENERAL PROTECTIONS FOR CHILDREN.-It is a purpose of
319 the Legislature that the children of this state be provided with

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320 the following protections:

321 (a) Protection from abuse, neglect, and exploitation.

322 (b) A permanent and stable home.

323 (c) A safe and nurturing environment which will preserve a
324 sense of personal dignity and integrity.

325 (d) Adequate nutrition, shelter, and clothing.

326 (e) Effective services or treatment to address physical,
327 social, and emotional needs, ~~regardless of geographical~~
328 ~~location.~~

329 (f) Equal opportunity and access to quality and effective
330 education which will meet the individual needs of each child and
331 prepare the child for future employment, and to recreation and
332 other community resources to develop individual abilities.

333 (g) Access to preventive services to provide the child and
334 family the support of community resources to address the needs
335 of the child and reduce the risk of harm or engaging in
336 delinquent behavior.

337 (h) Court ~~An independent, trained advocate when~~
338 intervention only when is necessary to address at-risk behavior
339 before the behavior escalates into harm to the child or to the
340 community through delinquent behavior.

341 (i) Ensuring the child has representation of a trained
342 advocate when court proceedings are initiated under this
343 chapter.

344 (j) Ensuring that when temporary out-of-home placement is
345 necessary, the child is placed in a safe, therapeutic
346 environment that provides supervision and services by and a
347 skilled staff guardian or caretaker in a safe environment when
348 alternative placement is necessary.

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349 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that
350 children in the care of the state's juvenile justice and
351 intervention dependency and delinquency systems need appropriate
352 health care services and, that the impact of substance abuse on
353 health requires ~~indicates~~ the need for health care services to
354 include substance abuse services when ~~where~~ appropriate, ~~and~~
355 ~~that~~ It is in the state's best interest that ~~such~~ children be
356 provided the services they need to enable them to become and
357 remain independent of state care. In order to provide these
358 services, the state's juvenile justice and intervention
359 dependency and delinquency systems must have the ability to
360 identify and make referrals to experts capable of providing
361 ~~provide appropriate~~ intervention and treatment for children with
362 personal or family-related substance abuse problems. It is
363 therefore the purpose of the Legislature to provide authority
364 for the state to contract with community substance abuse
365 treatment providers for the development and operation of
366 specialized support and overlay services for the juvenile
367 justice and intervention dependency and delinquency systems,
368 subject to legislative appropriation, which will be fully
369 implemented and utilized as resources permit. This section
370 prevents agencies from referring children and families to
371 privately operated community service providers to the extent the
372 families have funding or insurance to provide care.

373 (3) JUVENILE JUSTICE AND INTERVENTION ~~DELINQUENCY~~
374 ~~PREVENTION~~.—It is the policy of the state regarding ~~with respect~~
375 ~~to~~ juvenile justice and intervention ~~delinquency prevention~~ to
376 first protect the public from acts of delinquency. In addition,
377 it is the policy of the state to:

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378 (a) Develop and implement effective methods of preventing
379 and reducing acts of delinquency, with a focus on maintaining
380 and strengthening the family ~~as a whole~~ so that children may
381 remain in their homes or communities.

382 (b) Develop and implement effective programs to prevent
383 delinquency, to divert children from the traditional juvenile
384 justice system, to intervene at an early stage of delinquency,
385 and to provide critically needed alternatives to
386 institutionalization and deep-end commitment.

387 (c) Provide well-trained personnel, high-quality services,
388 and cost-effective programs within the juvenile justice system.

389 (d) Increase the capacity of local governments and public
390 and private agencies to conduct rehabilitative treatment
391 programs and to provide research, evaluation, and training
392 services for ~~in the field of~~ juvenile delinquency prevention.

393 (e) Develop and implement effective early prevention
394 programs to address truancy and ungovernable and runaway
395 behavior of a child, which place the child at risk of harm, and
396 to allow for intervention before the child engages in a
397 delinquent act.

398
399 The Legislature intends that temporary shelter ~~detention~~ care,
400 in addition to providing safe care ~~secure and safe custody~~, will
401 promote the health and well-being of the children placed therein
402 ~~committed thereto~~ and provide an environment that fosters their
403 social, emotional, intellectual, and physical development.

404 (4) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
405 Parents, custodians, and guardians are deemed by the state to be
406 responsible for providing their children with sufficient

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407 support, guidance, and supervision to deter their participation
408 in delinquent acts, and ensure their children attend school and
409 engage in education to prepare their children for their future.
410 The state further recognizes that the ability of parents,
411 custodians, and guardians to fulfill those responsibilities can
412 be greatly impaired by economic, social, behavioral, emotional,
413 and related problems. It is therefore the policy of the
414 Legislature that it is the state's responsibility to ensure that
415 factors impeding the ability of caretakers to fulfill their
416 responsibilities are identified and appropriate recommendations
417 are provided to address those impediments through the provision
418 of nonjudicial voluntary family services for families in need of
419 services and through the child in need of services court
420 processes ~~delinquency intake process and that appropriate~~
421 ~~recommendations to address those problems are considered in any~~
422 ~~judicial or nonjudicial proceeding.~~

423 (5) PROVISION OF SERVICES.—It is the intent of the
424 Legislature to address the concerns of families by providing
425 them with an array of services designed to preserve the unity
426 and integrity of the family and to emphasize parental
427 responsibility for the behavior of their children. Services to
428 families shall be provided on a continuum of increasing
429 intensity and participation by the parent, legal guardian, or
430 custodian and child. Judicial intervention to resolve the
431 problems and conflicts that exist within a family shall be
432 limited to situations in which a resolution to the problem or
433 conflict has not been achieved through individual and family
434 services after all available less restrictive resources have
435 been exhausted. In creating this chapter, the Legislature

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436 recognizes the need to distinguish the problems of truants,
437 runaways, and children beyond the control of their parents, and
438 the services provided to these children, from the problems and
439 services designed to meet the needs of abandoned, abused,
440 neglected, and delinquent children. In achieving this
441 distinction, it is the policy of the state to develop short-term
442 services using the least restrictive method for children and
443 families, early truancy intervention, and children in need of
444 services.

445 Section 4. Section 984.03, Florida Statutes, is amended to
446 read:

447 984.03 Definitions.—When used in this chapter, the term:

448 (1) “Abandoned” or “abandonment” has the same meaning as in
449 s. 39.01(1) means a situation in which the parent or legal
450 eustodian of a child or, in the absence of a parent or legal
451 eustodian, the person responsible for the child’s welfare, while
452 being able, makes no provision for the child’s support and makes
453 no effort to communicate with the child, which situation is
454 sufficient to evince a willful rejection of parental
455 obligations. If the efforts of such parent or legal custodian,
456 or person primarily responsible for the child’s welfare to
457 support and communicate with the child are, in the opinion of
458 the court, only marginal efforts that do not evince a settled
459 purpose to assume all parental duties, the court may declare the
460 child to be abandoned. The term “abandoned” does not include a
461 “child in need of services” as defined in subsection (9) or a
462 “family in need of services” as defined in subsection (25). The
463 incarceration of a parent, legal custodian, or person
464 responsible for a child’s welfare does not constitute a bar to a

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465 ~~finding of abandonment.~~

466 (2) "Abuse" has the same meaning as in s. 39.01(2) means
467 ~~any willful act that results in any physical, mental, or sexual~~
468 ~~injury that causes or is likely to cause the child's physical,~~
469 ~~mental, or emotional health to be significantly impaired.~~
470 ~~Corporal discipline of a child by a parent or guardian for~~
471 ~~disciplinary purposes does not in itself constitute abuse when~~
472 ~~it does not result in harm to the child as defined in s. 39.01.~~

473 ~~(3) "Addictions receiving facility" means a substance abuse~~
474 ~~service provider as defined in chapter 397.~~

475 ~~(3)-(4)~~ "Adjudicatory hearing" means a hearing for the court
476 to determine whether or not the facts support the allegations
477 stated in the petition as is provided for under s. 984.20(2) in
478 child in need of services ~~child in need of services~~ cases.

479 ~~(4)-(5)~~ "Adult" means any natural person other than a child.

480 ~~(5)-(6)~~ "Authorized agent" or "designee" of the department
481 means a person or agency assigned or designated by the
482 Department of Juvenile Justice ~~or the Department of Children and~~
483 ~~Families, as appropriate,~~ to perform duties or exercise powers
484 pursuant to this chapter and includes contract providers and
485 subcontracted providers and their employees for purposes of
486 providing voluntary family services, and providing court-ordered
487 services ~~to~~ and managing cases of children in need of services
488 and ~~families in need of services.~~

489 ~~(7) "Caretaker/homemaker" means an authorized agent of the~~
490 ~~Department of Children and Families who shall remain in the~~
491 ~~child's home with the child until a parent, legal guardian, or~~
492 ~~relative of the child enters the home and is capable of assuming~~
493 ~~and agrees to assume charge of the child.~~

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494 (6)~~(8)~~ "Child" or "juvenile" or "youth" means any unmarried
495 person under the age of 18 who has not been emancipated by order
496 of the court and ~~who has been found or alleged to be dependent,~~
497 ~~in need of services, or from a family in need of services; or~~
498 ~~any married or unmarried person who is charged with a violation~~
499 ~~of law occurring prior to the time that person reached the age~~
500 ~~of 18 years.~~

501 (7)~~(9)~~ "Child in need of services" means a child for whom
502 there is no pending petition filed with the court investigation
503 ~~into an allegation or suspicion of abuse, neglect, or~~
504 ~~abandonment; no pending referral~~ alleging the child is
505 delinquent; or no current court-ordered supervision by the
506 department for delinquency under chapter 985 of ~~Juvenile Justice~~
507 or the Department of Children and Families for ~~an adjudication~~
508 ~~of dependency under chapter 39~~ or ~~delinquency~~. The child must
509 also, pursuant to this chapter, be found by the court:

510 (a) To have persistently run away from the child's parents,
511 ~~or~~ legal guardians, or custodians despite reasonable efforts of
512 ~~the child, the parents, or~~ legal guardians, or custodians, and
513 appropriate agencies to remedy the conditions contributing to
514 the behavior. Reasonable efforts shall include ~~voluntary~~
515 participation by the child's parents, ~~or~~ legal guardian, or
516 custodians and the child in ~~family mediation, voluntary~~
517 services, and treatment offered by the department or through its
518 designated service provider of ~~Juvenile Justice or the~~
519 ~~Department of Children and Families;~~

520 (b) To be habitually truant from school, while subject to
521 compulsory school attendance, despite reasonable efforts to
522 remedy the situation pursuant to ss. 1003.26 and 1003.27 and

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523 ~~through voluntary participation by the child's parents or legal~~
524 ~~custodians and by the child in family mediation, services, and~~
525 ~~treatment offered by the department or its authorized agent or~~
526 ~~designated service provider of Juvenile Justice or the~~
527 ~~Department of Children and Families; or~~

528 (c) To be ungovernable by having ~~have~~ persistently
529 disobeyed the reasonable and lawful rules and demands of the
530 child's parents, ~~or~~ legal guardians, or custodians, and to be
531 beyond their control despite the child having the mental and
532 physical capacity to understand and obey lawful rules and
533 demands, and despite efforts by the child's parents, ~~or~~ legal
534 guardians, or custodians and appropriate agencies to remedy the
535 conditions contributing to the behavior. Reasonable efforts may
536 include such things as good faith participation in voluntary
537 family services or individual services ~~counseling~~.

538 ~~(10) "Child support" means a court-ordered obligation,~~
539 ~~enforced under chapter 61 and ss. 409.2551-409.2597, for~~
540 ~~monetary support for the care, maintenance, training, and~~
541 ~~education of a child.~~

542 ~~(11) "Child who has been found to have committed a~~
543 ~~delinquent act" means a child who, pursuant to the provisions of~~
544 ~~chapter 985, is found by a court to have committed a violation~~
545 ~~of law or to be in direct or indirect contempt of court, except~~
546 ~~that this definition shall not include an act constituting~~
547 ~~contempt of court arising out of a dependency proceeding or a~~
548 ~~proceeding pursuant to this chapter.~~

549 ~~(12) "Child who is found to be dependent" or "dependent~~
550 ~~child" means a child who, pursuant to this chapter, is found by~~
551 ~~the court:~~

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552 ~~(a) To have been abandoned, abused, or neglected by the~~
553 ~~child's parents or other custodians.~~

554 ~~(b) To have been surrendered to the former Department of~~
555 ~~Health and Rehabilitative Services, the Department of Children~~
556 ~~and Families, or a licensed child placing agency for purpose of~~
557 ~~adoption.~~

558 ~~(c) To have been voluntarily placed with a licensed child-~~
559 ~~caring agency, a licensed child placing agency, an adult~~
560 ~~relative, the former Department of Health and Rehabilitative~~
561 ~~Services, or the Department of Children and Families, after~~
562 ~~which placement, under the requirements of this chapter, a case~~
563 ~~plan has expired and the parent or parents have failed to~~
564 ~~substantially comply with the requirements of the plan.~~

565 ~~(d) To have been voluntarily placed with a licensed child-~~
566 ~~placing agency for the purposes of subsequent adoption and a~~
567 ~~natural parent or parents signed a consent pursuant to the~~
568 ~~Florida Rules of Juvenile Procedure.~~

569 ~~(e) To have no parent, legal custodian, or responsible~~
570 ~~adult relative to provide supervision and care.~~

571 ~~(f) To be at substantial risk of imminent abuse or neglect~~
572 ~~by the parent or parents or the custodian.~~

573 ~~(8)~~(13) "Circuit" means any of the ~~20~~ judicial circuits as
574 set forth in s. 26.021.

575 ~~(14)~~ "Comprehensive assessment" or "assessment" means the
576 gathering of information for the evaluation of a juvenile
577 offender's or a child's physical, psychological, educational,
578 vocational, and social condition and family environment as they
579 relate to the child's need for rehabilitative and treatment
580 services, including substance abuse treatment services, mental

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581 ~~health services, developmental services, literacy services,~~
582 ~~medical services, family services, and other specialized~~
583 ~~services, as appropriate.~~

584 (9)~~(15)~~ "Court," unless otherwise expressly stated, means
585 the circuit court assigned to exercise jurisdiction under this
586 chapter.

587 (10) "Custodian" means any adult person exercising actual
588 physical custody of the child and who is providing food,
589 clothing, and care for the child in the absence of a parent or
590 legal guardian.

591 ~~(16) "Delinquency program" means any intake, community~~
592 ~~control, or similar program; regional detention center or~~
593 ~~facility; or community-based program, whether owned and operated~~
594 ~~by or contracted by the Department of Juvenile Justice, or~~
595 ~~institution owned and operated by or contracted by the~~
596 ~~Department of Juvenile Justice, which provides intake,~~
597 ~~supervision, or custody and care of children who are alleged to~~
598 ~~be or who have been found to be delinquent pursuant to chapter~~
599 ~~985.~~

600 (11)~~(17)~~ "Department" means the Department of Juvenile
601 Justice.

602 (12)~~(18)~~ "Detention care" means the temporary care of a
603 child alleged to be or adjudicated delinquent in secure or
604 supervised release detention, nonsecure, or home detention,
605 pending a court adjudication of delinquency or disposition or
606 execution of a court order under chapter 985. ~~There are three~~
607 ~~types of detention care, as follows:~~

608 ~~(a) "Secure detention" means temporary custody of the child~~
609 ~~while the child is under the physical restriction of a detention~~

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610 ~~center or facility pending adjudication, disposition, or~~
611 ~~placement.~~

612 ~~(b) "Nonsecure detention" means temporary custody of the~~
613 ~~child while the child is in a residential home in the community~~
614 ~~in a physically nonrestrictive environment under the supervision~~
615 ~~of the Department of Juvenile Justice pending adjudication,~~
616 ~~disposition, or placement.~~

617 ~~(c) "Home detention" means temporary custody of the child~~
618 ~~while the child is released to the custody of the parent,~~
619 ~~guardian, or custodian in a physically nonrestrictive~~
620 ~~environment under the supervision of the Department of Juvenile~~
621 ~~Justice staff pending adjudication, disposition, or placement.~~

622 ~~(13)(19)~~ "Detention center or facility" means a facility
623 used, pending court adjudication or disposition or execution of
624 a court order, for the temporary care of a child alleged or
625 found to have committed a violation of law. A detention center
626 or facility may provide secure ~~or nonsecure~~ custody. A facility
627 used for the commitment of adjudicated delinquents ~~may~~ shall not
628 be considered a detention center or facility. A detention center
629 or facility may not be used for placement of any child under
630 this chapter.

631 ~~(20) "Detention hearing" means a hearing for the court to~~
632 ~~determine if a child should be placed in temporary custody, as~~
633 ~~provided for under s. 39.402, in dependency cases.~~

634 ~~(21) "Diligent efforts of social service agency" means~~
635 ~~reasonable efforts to provide social services or reunification~~
636 ~~services made by any social service agency as defined in this~~
637 ~~section that is a party to a case plan.~~

638 ~~(22) "Diligent search" means the efforts of a social~~

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639 ~~service agency to locate a parent or prospective parent whose~~
640 ~~identity or location is unknown, or a relative made known to the~~
641 ~~social services agency by the parent or custodian of a child.~~
642 ~~When the search is for a parent, prospective parent, or relative~~
643 ~~of a child in the custody of the department, this search must be~~
644 ~~initiated as soon as the agency is made aware of the existence~~
645 ~~of such parent, prospective parent, or relative. A diligent~~
646 ~~search shall include interviews with persons who are likely to~~
647 ~~have information about the identity or location of the person~~
648 ~~being sought, comprehensive database searches, and records~~
649 ~~searches, including searches of employment, residence,~~
650 ~~utilities, Armed Forces, vehicle registration, child support~~
651 ~~enforcement, law enforcement, and corrections records, and any~~
652 ~~other records likely to result in identifying and locating the~~
653 ~~person being sought. The initial diligent search must be~~
654 ~~completed within 90 days after a child is taken into custody.~~
655 ~~After the completion of the initial diligent search, the~~
656 ~~department, unless excused by the court, shall have a continuing~~
657 ~~duty to search for relatives with whom it may be appropriate to~~
658 ~~place the child, until such relatives are found or until the~~
659 ~~child is placed for adoption.~~

660 (14)~~(23)~~ "Disposition hearing" means a hearing in which the
661 court determines the most appropriate dispositional services in
662 the least restrictive available setting provided for under s.
663 984.20(3), in child in need of services ~~child-in-need-of-~~
664 ~~services~~ cases.

665 (15)~~(24)~~ "Family" means a collective body of persons,
666 consisting of a child and a parent, legal guardian, adult
667 custodian, or adult relative, in which:

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668 (a) The persons reside in the same house or living unit; or

669 (b) The parent, legal guardian, adult custodian, or adult
670 relative has a legal responsibility by blood, marriage, or court
671 order to support or care for the child.

672 ~~(16)-(25)~~ "Family in need of services" means a family that
673 has a child who is running away; who is ungovernable and
674 persistently disobeying reasonable and lawful demands of the
675 parent or legal custodian and is beyond the control of the
676 parent or legal custodian; or who is habitually truant from
677 school or engaging in other serious behaviors that place the
678 child at risk of future abuse, neglect, or abandonment or at
679 risk of entering the juvenile justice system. The child must be
680 referred to a law enforcement agency, the department ~~of Juvenile~~
681 ~~Justice~~, or an agency contracted to provide services to children
682 in need of services. A family is not eligible to receive
683 voluntary family services if, at the time of the referral, ~~there~~
684 ~~is an open investigation into an allegation of abuse, neglect,~~
685 ~~or abandonment or if~~ the child is currently under court-ordered
686 supervision by the department for delinquency under chapter 985
687 ~~of Juvenile Justice~~ or the Department of Children and Families
688 due to a finding of dependency under chapter 39 ~~an adjudication~~
689 ~~of dependency or delinquency.~~

690 ~~(26)~~ "Foster care" means ~~care provided a child in a foster~~
691 ~~family or boarding home, group home, agency boarding home, child~~
692 ~~care institution, or any combination thereof.~~

693 ~~(17)-(27)~~ "Habitually truant" means that:

694 (a) The child has 15 unexcused absences from school within
695 90 calendar days with or without the knowledge or justifiable
696 consent of the child's parent or legal guardian, is subject to

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697 compulsory school attendance under s. 1003.21(1) and (2)(a), and
698 is not exempt under s. 1003.21(3), s. 1003.24, or any other
699 exemptions specified by law or the rules of the State Board of
700 Education.

701 (b) Activities to determine the cause, and to attempt the
702 remediation, of the child's truant behavior under ss. 1003.26
703 and 1003.27(3), have been completed.

704

705 If a child who is subject to compulsory school attendance is
706 responsive to the interventions described in ss. 1003.26 and
707 1003.27(3) and has completed the necessary requirements to pass
708 the current grade as indicated in the district pupil progression
709 plan, the child shall not be determined to be habitually truant
710 and shall be passed. If a child within the compulsory school
711 attendance age has 15 unexcused absences within 90 calendar days
712 or fails to enroll in school, the department ~~State Attorney~~ may,
713 ~~or the appropriate jurisdictional agency shall,~~ file a child in
714 need of services ~~child-in-need-of-services~~ petition if
715 recommended by the case staffing committee, unless it is
716 determined that another alternative action is preferable. The
717 failure or refusal of the parent ~~or~~ legal guardian, or
718 custodian, or the child to participate, or make a good faith
719 effort to participate, in the activities prescribed to remedy
720 the truant behavior, or the failure or refusal of the child to
721 return to school after participation in activities required by
722 this subsection, or the failure of the child to stop the truant
723 behavior after the school administration and the department ~~of~~
724 ~~Juvenile Justice~~ have offered services to ~~worked with~~ the child
725 as described in ss. 1003.26 and 1003.27(3) shall be handled as

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726 prescribed in s. 1003.27.

727 ~~(18)(28)~~ "Intake" means the initial acceptance and
728 screening by the department or its designated service provider
729 of a referral from early truancy intervention court, a school
730 board, or school requesting services; a request for assistance
731 from a parent or child; or a complaint, of Juvenile Justice of a
732 complaint or a law enforcement report, or probable cause
733 affidavit of a child's truancy, ungovernable behavior, or
734 running away, on behalf of a family delinquency, family in need
735 of services, or child in need of services to determine the most
736 appropriate course of action recommendation to be taken in the
737 best interests of the child, the family, and the community. The
738 emphasis of intake is on diversion and the least restrictive
739 available services. Consequently, intake includes such
740 alternatives as:

741 (a) The disposition of the request for services, complaint,
742 report, or probable cause affidavit without court or public
743 agency action or judicial handling when appropriate.

744 (b) The referral of the child to another public or private
745 agency when appropriate.

746 (c) The recommendation by the assigned intake case manager
747 ~~juvenile probation officer~~ of judicial handling when appropriate
748 and warranted.

749 ~~(19)(29)~~ "Judge" means the circuit judge exercising
750 jurisdiction pursuant to this chapter.

751 ~~(30)~~ "Juvenile justice continuum" includes, but is not
752 limited to, ~~delinquency prevention programs and services~~
753 ~~designed for the purpose of preventing or reducing delinquent~~
754 ~~acts, including criminal activity by criminal gangs and juvenile~~

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755 ~~arrests, as well as programs and services targeted at children~~
756 ~~who have committed delinquent acts, and children who have~~
757 ~~previously been committed to residential treatment programs for~~
758 ~~delinquents. The term includes children-in-need-of-services and~~
759 ~~families-in-need-of-services programs; conditional release;~~
760 ~~substance abuse and mental health programs; educational and~~
761 ~~vocational programs; recreational programs; community services~~
762 ~~programs; community service work programs; and alternative~~
763 ~~dispute resolution programs serving children at risk of~~
764 ~~delinquency and their families, whether offered or delivered by~~
765 ~~state or local governmental entities, public or private for-~~
766 ~~profit or not-for-profit organizations, or religious or~~
767 ~~charitable organizations.~~

768 ~~(31) "Juvenile probation officer" means the authorized~~
769 ~~agent of the department who performs and directs intake,~~
770 ~~assessment, probation, or conditional release, and other related~~
771 ~~services.~~

772 ~~(20)(32)~~ (20) "Legal custody" means a legal status created by
773 court order or letter of guardianship which vests in a custodian
774 of the person or guardian, whether an agency or an individual,
775 the right to have physical custody of the child and the right
776 and duty to protect, train, and discipline the child and to
777 provide him or her with food, shelter, education, and ordinary
778 medical, dental, psychiatric, and psychological care.

779 ~~(21)(33)~~ (21) "Licensed child-caring agency" means a person,
780 society, association, or agency licensed by the Department of
781 Children and Families to care for, receive, and board children,
782 and includes shelters under this chapter.

783 ~~(22)(34)~~ (22) "Licensed health care professional" means a

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784 physician licensed under chapter 458, an osteopathic physician
785 licensed under chapter 459, a nurse licensed under part I of
786 chapter 464, a physician assistant licensed under chapter 458 or
787 chapter 459, or a dentist licensed under chapter 466.

788 ~~(35) "Mediation" means a process whereby a neutral third~~
789 ~~person called a mediator acts to encourage and facilitate the~~
790 ~~resolution of a dispute between two or more parties. It is an~~
791 ~~informal and nonadversarial process with the objective of~~
792 ~~helping the disputing parties reach a mutually acceptable and~~
793 ~~voluntary agreement. In mediation, decisionmaking authority~~
794 ~~rests with the parties. The role of the mediator includes, but~~
795 ~~is not limited to, assisting the parties in identifying issues,~~
796 ~~fostering joint problem solving, and exploring settlement~~
797 ~~alternatives.~~

798 ~~(23)~~(36) "Necessary medical treatment" means care that is
799 necessary within a reasonable degree of medical certainty to
800 prevent the deterioration of a child's condition or to alleviate
801 immediate pain of a child.

802 ~~(24)~~(37) "Neglect" has the same meaning as in s. 39.01(53)
803 ~~occurs when the parent or legal custodian of a child or, in the~~
804 ~~absence of a parent or legal custodian, the person primarily~~
805 ~~responsible for the child's welfare deprives a child of, or~~
806 ~~allows a child to be deprived of, necessary food, clothing,~~
807 ~~shelter, or medical treatment or permits a child to live in an~~
808 ~~environment when such deprivation or environment causes the~~
809 ~~child's physical, mental, or emotional health to be~~
810 ~~significantly impaired or to be in danger of being significantly~~
811 ~~impaired. The foregoing circumstances shall not be considered~~
812 ~~neglect if caused primarily by financial inability unless actual~~

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813 ~~services for relief have been offered to and rejected by such~~
814 ~~person. A parent or guardian legitimately practicing religious~~
815 ~~beliefs in accordance with a recognized church or religious~~
816 ~~organization who thereby does not provide specific medical~~
817 ~~treatment for a child shall not, for that reason alone, be~~
818 ~~considered a negligent parent or guardian; however, such an~~
819 ~~exception does not preclude a court from ordering the following~~
820 ~~services to be provided, when the health of the child so~~
821 ~~requires:~~

822 ~~(a) Medical services from a licensed physician, dentist,~~
823 ~~optometrist, podiatric physician, or other qualified health care~~
824 ~~provider; or~~

825 ~~(b) Treatment by a duly accredited practitioner who relies~~
826 ~~solely on spiritual means for healing in accordance with the~~
827 ~~tenets and practices of a well-recognized church or religious~~
828 ~~organization.~~

829 (25) "Needs assessment" means the gathering of information
830 for the evaluation of a child's physical, psychological,
831 educational, vocational, and social condition and family
832 environment related to the child's need for services, including
833 substance abuse treatment services, mental health services,
834 developmental services, literacy services, medical services,
835 family services, individual and family counseling, educational
836 services, and other specialized services, as appropriate.

837 ~~(38) "Next of kin" means an adult relative of a child who~~
838 ~~is the child's brother, sister, grandparent, aunt, uncle, or~~
839 ~~first cousin.~~

840 (26)~~(39)~~ "Parent" means a woman who gives birth to a child
841 and a man whose consent to the adoption of the child would be

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842 required under s. 63.062(1). If a child has been legally
843 adopted, the term "parent" means the adoptive mother or father
844 of the child. The term does not include an individual whose
845 parental relationship to the child has been legally terminated,
846 or an alleged or prospective parent, unless the parental status
847 falls within the terms of either s. 39.503(1) or s. 63.062(1).

848 (27)~~(40)~~ "Participant," for purposes of a ~~shelter~~
849 proceeding under this chapter, means any person who is not a
850 party but who should receive notice of hearings involving the
851 child, including ~~foster parents~~, identified prospective parents,
852 grandparents entitled to priority for adoption consideration
853 under s. 63.0425, actual custodians of the child, and any other
854 person whose participation may be in the best interest of the
855 child. Participants may be granted leave by the court to be
856 heard without the necessity of filing a motion to intervene.

857 (28)~~(41)~~ "Party," for purposes of a ~~shelter~~ proceeding
858 under this chapter, means the parent, legal guardian, or actual
859 custodian of the child, the petitioner, the department, the
860 guardian ad litem when one has been appointed, and the child.
861 The presence of the child may be excused by order of the court
862 when presence would not be in the child's best interest or the
863 child has failed to appear for a proceeding after having been
864 noticed. ~~Notice to the child may be excused by order of the~~
865 ~~court when the age, capacity, or other condition of the child is~~
866 ~~such that the notice would be meaningless or detrimental to the~~
867 ~~child.~~

868 (29) "Physically secure shelter" means a locked facility or
869 locked unit within a facility for the care of a child
870 adjudicated a child in need of services who is court ordered to

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871 be held pursuant to s. 984.226. A physically secure shelter unit
872 shall provide supervision by shelter staff who are awake 24
873 hours a day.

874 ~~(42) "Preliminary screening" means the gathering of~~
875 ~~preliminary information to be used in determining a child's need~~
876 ~~for further evaluation or assessment or for referral for other~~
877 ~~substance abuse services through means such as psychosocial~~
878 ~~interviews; urine and breathalyzer screenings; and reviews of~~
879 ~~available educational, delinquency, and dependency records of~~
880 ~~the child.~~

881 ~~(30)(43)~~ "Preventive services" means social services and
882 other supportive and evaluation and intervention ~~rehabilitative~~
883 services provided to the child or the parent, ~~of the child, the~~
884 ~~legal guardian of the child,~~ or the custodian of the child and
885 ~~to the child~~ for the purpose of averting the removal of the
886 child from the home or disruption of a family which will or
887 could result in an adjudication that orders the placement of a
888 child under dependency supervision ~~into foster care~~ or into the
889 delinquency system ~~or that will or could result in the child~~
890 ~~living on the street.~~ Social services and other supportive and
891 ~~rehabilitative~~ services may include the provision of assessment
892 and screening services; individual, group, or family counseling;
893 specialized educational and vocational services; temporary
894 voluntary shelter for the child; outreach services for children
895 living on the street; ~~independent living services to assist~~
896 ~~adolescents in achieving a successful transition to adulthood;~~
897 and other specialized services.

898 ~~(44) "Protective supervision" means a legal status in~~
899 ~~child in need of services cases or family in need of services~~

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900 ~~cases which permits the child to remain in his or her own home~~
901 ~~or other placement under the supervision of an agent of the~~
902 ~~Department of Juvenile Justice or the Department of Children and~~
903 ~~Families, subject to being returned to the court during the~~
904 ~~period of supervision.~~

905 ~~(31)(45)~~ "Relative" means a grandparent, great-grandparent,
906 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,
907 niece, or nephew, whether related by the whole or half blood, by
908 affinity, or by adoption. The term does not include a
909 stepparent.

910 ~~(32)(46)~~ "Reunification services" means social services and
911 other supportive ~~and rehabilitative~~ services provided to the
912 child and the parent of the child, the legal guardian of the
913 child, or the custodian of the child, whichever is applicable,~~†~~
914 ~~the child; and, where appropriate, the foster parents of the~~
915 ~~child~~ for the purpose of assisting ~~enabling~~ a child who has been
916 placed in temporary shelter care to return to his or her family
917 at the most appropriate and effective ~~earliest possible~~ time
918 based on the presenting concerns at intake. Social services and
919 other supportive ~~and rehabilitative~~ services shall be consistent
920 with the child's need for a safe, continuous, and stable living
921 environment and shall promote the strengthening of family life
922 whenever possible.

923 ~~(33)(47)~~ "Secure detention center or facility" means a
924 physically restricting facility for the temporary care of
925 children, pending adjudication of delinquency or, disposition. A
926 child subject to proceedings under this chapter or who is
927 alleged to be dependent under chapter 39, but who is not alleged
928 to have committed a delinquent act or violation of law, may not,

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929 under any circumstances, be placed into a secure detention
930 center or facility, or placement.

931 (34)(48) "Shelter" means a department-approved shelter
932 facility for the temporary care of runaway children; children
933 placed for voluntary shelter respite upon request of the child
934 or the child's parent, legal guardian, or custodian; or for
935 placement of a child who has been adjudicated a child in need of
936 services or who has been found in contempt of court under s.
937 984.09. Shelters must provide 24-hour continual supervision and
938 must be licensed child care facilities a place for the temporary
939 care of a child who is alleged to be or who has been found to be
940 dependent, a child from a family in need of services, or a child
941 in need of services, pending court disposition before or after
942 adjudication or after execution of a court order. "Shelter" may
943 include a facility which provides 24-hour continual supervision
944 for the temporary care of a child who is placed pursuant to s.
945 984.14.

946 (49) "Shelter hearing" means a hearing provided for under
947 s. 984.14 in family-in-need-of-services cases or child-in-need-
948 of-services cases.

949 (50) "Staff secure shelter" means a facility in which a
950 child is supervised 24 hours a day by staff members who are
951 awake while on duty. The facility is for the temporary care and
952 assessment of a child who has been found to be dependent, who
953 has violated a court order and been found in contempt of court,
954 or whom the Department of Children and Families is unable to
955 properly assess or place for assistance within the continuum of
956 services provided for dependent children.

957 (35)(51) "Substance abuse" means using, without medical

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958 reason, any psychoactive or mood-altering drug, including
959 alcohol, in such a manner as to induce impairment resulting in
960 dysfunctional social behavior.

961 (36)~~(52)~~ "Taken into custody" means the status of a child
962 immediately when temporary physical control over the child is
963 attained by a person authorized by law, pending the child's
964 release, shelter ~~detention~~, placement, or other disposition as
965 authorized by law.

966 (37)~~(53)~~ "Temporary legal custody" means the relationship
967 that a juvenile court creates between a child and an adult
968 relative of the child, adult nonrelative approved by the court,
969 or other person until a more permanent arrangement is ordered.
970 Temporary legal custody confers upon the custodian the right to
971 have temporary physical custody of the child and the right and
972 duty to protect, train, and discipline the child and to provide
973 the child with food, shelter, and education, and ordinary
974 medical, dental, psychiatric, and psychological care, unless
975 these rights and duties are otherwise enlarged or limited by the
976 court order establishing the temporary legal custody
977 relationship.

978 (38)~~(54)~~ "Truancy petition" means a petition filed by the
979 superintendent of schools under s. 984.151 for the purpose of
980 early truancy intervention, alleging that a student subject to
981 compulsory school attendance has had at least five unexcused
982 absences, or absences for which the reasons are unknown, within
983 a calendar month or 10 unexcused absences, or absences for which
984 the reasons are unknown, within a 90-calendar-day period, or has
985 had more than 15 unexcused absences in a 90-calendar-day period.
986 ~~A truancy petition is filed and processed under s. 984.151.~~

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987 (39) "Truant status offender" means a child subject to the
988 jurisdiction of the court under s. 984.151 who has been found by
989 the court to be truant while subject to compulsory education.
990 The court's jurisdiction is limited to entering orders to
991 require the child to attend school and participate in services
992 to encourage regular school attendance. A truant status offender
993 is not a delinquent child and may not be deemed to have
994 committed a criminal or delinquent act.

995 (40)~~(55)~~ "Violation of law" or "delinquent act" means a
996 violation of any law of this state, the United States, or any
997 other state which is a misdemeanor or a felony or a violation of
998 a county or municipal ordinance which would be punishable by
999 incarceration if the violation were committed by an adult.

1000 (41) "Voluntary family services" means voluntary services
1001 provided by the department or an agency designated by the
1002 department to a family that has a child who is running away; who
1003 is ungovernable by persistently disobeying reasonable and lawful
1004 demands of the parent, legal guardian, or custodian and is
1005 beyond the control of the parent, legal guardian, or custodian;
1006 or who is habitually truant from school or engaging in other
1007 serious behaviors that place the child at risk of future abuse,
1008 neglect, or abandonment or at risk of entering the juvenile
1009 justice system. The child must be referred to the department or
1010 an agency designated by the department to provide voluntary
1011 services to families and children. Contingent upon available
1012 funding, and subject to a memorandum of agreement between the
1013 department and the Department of Children and Families, a family
1014 is eligible to receive voluntary services if, at the time of the
1015 referral, there is an open investigation into an allegation of

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1016 abuse, neglect, or abandonment or if the child is currently
1017 under court-ordered supervision by the department for
1018 delinquency under chapter 985 or by the Department of Children
1019 and Families due to a finding of dependency under chapter 39.

1020 Section 5. Section 984.04, Florida Statutes, is amended to
1021 read:

1022 984.04 Early truancy intervention; families in need of
1023 services and children in need of services; procedures and
1024 jurisdiction.-

1025 ~~(1) It is the intent of the Legislature to address the~~
1026 ~~problems of families in need of services by providing them with~~
1027 ~~an array of services designed to preserve the unity and~~
1028 ~~integrity of the family and to emphasize parental responsibility~~
1029 ~~for the behavior of their children. Services to families in need~~
1030 ~~of services and children in need of services shall be provided~~
1031 ~~on a continuum of increasing intensity and participation by the~~
1032 ~~parent and child. Judicial intervention to resolve the problems~~
1033 ~~and conflicts that exist within a family shall be limited to~~
1034 ~~situations in which a resolution to the problem or conflict has~~
1035 ~~not been achieved through service, treatment, and family~~
1036 ~~intervention after all available less restrictive resources have~~
1037 ~~been exhausted. In creating this chapter, the Legislature~~
1038 ~~recognizes the need to distinguish the problems of truants,~~
1039 ~~runaways, and children beyond the control of their parents, and~~
1040 ~~the services provided to these children, from the problems and~~
1041 ~~services designed to meet the needs of abandoned, abused,~~
1042 ~~neglected, and delinquent children. In achieving this~~
1043 ~~recognition, it shall be the policy of the state to develop~~
1044 ~~short-term, temporary services and programs utilizing the least~~

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1045 ~~restrictive method for families in need of services and children~~
1046 ~~in need of services.~~

1047 (1)~~(2)~~ The department ~~of Juvenile Justice~~ shall be
1048 responsible for all nonjudicial proceedings involving voluntary
1049 a family in need of services for a family identified as a family
1050 in need of services,

1051 ~~(3) All nonjudicial procedures in family in need of~~
1052 ~~services cases shall be according to rules established by the~~
1053 ~~department of Juvenile Justice under chapter 120.~~

1054 (2)~~(4)~~ The circuit court shall have exclusive original
1055 jurisdiction of judicial proceedings involving early truancy
1056 intervention. When the jurisdiction of any child found to be
1057 truant under s. 984.151 is obtained, the court may retain
1058 jurisdiction for up to 180 days. The court must terminate
1059 supervision and relinquish jurisdiction if the child has
1060 substantially complied with the requirements of early truancy
1061 intervention, is no longer subject to compulsory education, or
1062 is adjudicated a child in need of services under s. 984.21
1063 ~~continued placement of a child from a family in need of services~~
1064 ~~in shelter.~~

1065 (3)~~(5)~~ The circuit court shall have exclusive original
1066 jurisdiction of proceedings in which a child is alleged to be a
1067 child in need of services. When the jurisdiction of any child
1068 who has been found to be a child in need of services or the
1069 parent, custodian, or legal guardian of such a child is
1070 obtained, the court shall retain jurisdiction, unless
1071 relinquished by its order or unless the department withdraws its
1072 petition because the child no longer meets the definition of a
1073 child in need of services as defined in s. 984.03, until the

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1074 child reaches 18 years of age. This subsection does ~~shall~~ not be
1075 ~~construed to~~ prevent the exercise of jurisdiction by any other
1076 court having jurisdiction of the child ~~if the child commits a~~
1077 ~~violation of law, is the subject of the dependency provisions~~
1078 ~~under this chapter, or is the subject of a pending investigation~~
1079 ~~into an allegation or suspicion of abuse, neglect, or~~
1080 ~~abandonment.~~

1081 (4) Jurisdiction of the circuit court shall attach to the
1082 case and parties to proceedings filed under s. 984.15 or under
1083 s. 984.151 when the summons is served upon the child and a
1084 parent, legal guardian, or custodian, or when the parties
1085 personally appear before the court.

1086 ~~(5)-(6)~~ All procedures, including petitions, pleadings,
1087 subpoenas, summonses, and hearings, in proceedings under this
1088 ~~chapter family in need of services cases and child in need of~~
1089 ~~services cases~~ shall be according to the Florida Rules of
1090 Juvenile Procedure unless otherwise provided by law.

1091 ~~(7) The department may contract with a provider to provide~~
1092 ~~services and programs for families in need of services and~~
1093 ~~children in need of services.~~

1094 Section 6. Subsections (2) and (4) of section 984.06,
1095 Florida Statutes, are amended to read:

1096 984.06 Oaths, records, and confidential information.—

1097 (2) The court shall make and keep records of all cases
1098 brought before it pursuant to this chapter and shall preserve
1099 the records ~~pertaining to a child in need of services~~ until 10
1100 years after the last entry was made or until the child is 18
1101 years of age, whichever date is first reached, and may then
1102 destroy them. The court shall make official records, consisting

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1103 of all petitions and orders filed in a case arising pursuant to
1104 this chapter and any other pleadings, certificates, proofs of
1105 publication, summonses, warrants, and other writs which are
1106 filed in the case.

1107 (4) Except as provided in subsection (3), all information
1108 obtained pursuant to this chapter in the discharge of official
1109 duty by any judge, employee of the court, authorized agent of
1110 the department, school employee, district superintendent, school
1111 board employee, or law enforcement agent is confidential and may
1112 not be disclosed to anyone other than the authorized personnel
1113 of the court, the department and its designees, school or school
1114 board personnel, law enforcement agencies, and others entitled
1115 under this chapter to receive that information, except upon
1116 order of the court.

1117 Section 7. Section 984.07, Florida Statutes, is amended to
1118 read:

1119 984.07 Right to counsel; waiver; appointed counsel;
1120 compensation.-

1121 (1) When a petition is filed alleging that a child is a
1122 child in need of services, the child must be represented by
1123 counsel at each court appearance unless the record in that
1124 proceeding affirmatively demonstrates by clear and convincing
1125 evidence that the child knowingly and intelligently waived the
1126 right to counsel after being fully advised by the court of the
1127 nature of the proceedings and the dispositional alternatives
1128 available to the court. If the child waives counsel at any
1129 proceeding, the court shall advise the child with respect to the
1130 right to counsel at every subsequent hearing.

1131 (2) A child in proceedings under s. 984.151 may have

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1132 counsel appointed by the court if the court determines it is in
1133 the best interest of the child.

1134 (3) If the court appoints counsel for a child, and if the
1135 child and his or her parents or legal guardians are indigent and
1136 unable to employ counsel, the court must appoint an attorney to
1137 represent the child under s. 27.511. Determination of indigence
1138 and costs of representation shall be as provided by ss. 27.52
1139 and 938.29. Legal counsel representing a child who exercises the
1140 right to counsel may provide advice and counsel to the child at
1141 any time after appointment.

1142 (4) If the parents or legal guardians of an indigent child
1143 are not indigent but refuse to employ counsel, the court shall
1144 appoint counsel pursuant to s. 27.511 to represent the child
1145 until counsel is provided. Costs of representation must be
1146 imposed as provided by ss. 27.52 and 938.29. Thereafter, the
1147 court may not appoint counsel for an indigent child with
1148 nonindigent parents or legal guardian but shall order the
1149 parents or legal guardian to obtain private counsel. A parent or
1150 legal guardian of an indigent child who has been ordered to
1151 obtain private counsel for the child and who willfully fails to
1152 follow the court order shall be punished by the court in civil
1153 contempt proceedings.

1154 (5) An indigent child whose parents or legal guardian are
1155 not indigent may have counsel appointed pursuant to ss. 27.511
1156 and 27.52 if the parents or legal guardian have willfully
1157 refused to obey the court order to obtain counsel for the child
1158 and have been punished by civil contempt and then still have
1159 willfully refused to obey the court order. Costs of
1160 representation must be imposed as provided by ss. 27.511, 27.52,

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1161 and 938.29.

1162 (6) If the court makes a finding that nonindigent parents
1163 have made a good faith effort to participate in services and
1164 remediate the child's behavior, but despite their good faith
1165 efforts, the child's truancy, ungovernable behavior, or runaway
1166 behavior has persisted, the court may appoint counsel to
1167 represent the child as provided in s 27.511.

1168 (7) If counsel is entitled to receive compensation for
1169 representation pursuant to court appointment in a child in need
1170 of services proceeding, such compensation may not exceed \$1,000
1171 at the trial level and \$2,500 at the appellate level.

1172 (8) This section does not preclude the court from
1173 requesting reimbursement of attorney fees and costs from the
1174 nonindigent parent or legal guardian.

1175 (9) The court may appoint an attorney to represent a parent
1176 or legal guardian under this chapter only upon a finding that
1177 the parent or legal guardian is indigent pursuant to s. 57.082.
1178 If an attorney is appointed, the parent or legal guardian shall
1179 be enrolled in a payment plan pursuant to s. 28.246 ~~If counsel~~
1180 ~~is entitled to receive compensation for representation pursuant~~
1181 ~~to court appointment in a child in need of services proceeding,~~
1182 ~~such compensation shall not exceed \$1,000 at the trial level and~~
1183 ~~\$2,500 at the appellate level.~~

1184 Section 8. Subsection (1) of section 984.071, Florida
1185 Statutes, is amended, and subsection (3) is added to that
1186 section, to read:

1187 984.071 Resources and information.—

1188 (1) The department ~~of Juvenile Justice, in collaboration~~
1189 ~~with the Department of Children and Families and the Department~~

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1190 ~~of Education,~~ shall develop and publish an information guide
1191 ~~packet~~ that explains the current process under this chapter for
1192 obtaining assistance for a child in need of services or a family
1193 in need of services and the community services and resources
1194 available to parents ~~of troubled or runaway children~~. The
1195 information guide shall be published in a written format for
1196 distribution and shall also be published on the department's
1197 website. ~~In preparing the information packet, the Department of~~
1198 ~~Juvenile Justice shall work with school district~~
1199 ~~superintendents, juvenile court judges, county sheriffs, and~~
1200 ~~other local law enforcement officials in order to ensure that~~
1201 ~~the information packet lists services and resources that are~~
1202 ~~currently available within the county in which the packet is~~
1203 ~~distributed~~. Each information guide ~~packet~~ shall be reviewed
1204 annually and updated as appropriate. The school district shall
1205 distribute this information guide ~~packet~~ to parents of truant
1206 children, and to other parents upon request or as deemed
1207 appropriate by the school district. In addition, the department
1208 ~~of Juvenile Justice~~ shall distribute the information guide
1209 ~~packet~~ to state and local law enforcement agencies. Any law
1210 enforcement officer who has contact with the parent of a child
1211 who is locked out of the home, is ungovernable, or who runs away
1212 from home shall make the information guide available to the
1213 parent.

1214 (3) The Department of Education and the Department of
1215 Children and Families must each post the department's
1216 information guide on their respective websites.

1217 Section 9. Sections 984.08 and 984.085, Florida Statutes,
1218 are repealed.

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1219 Section 10. Section 984.0861, Florida Statutes, is created
1220 to read:

1221 984.0861 Prohibited use of detention.—A child under the
1222 jurisdiction of the court pursuant to this chapter may not be
1223 placed in:

1224 (1) Any form of detention care intended for the use of
1225 alleged juvenile delinquents as authorized under chapter 985,
1226 for any purpose.

1227 (2) A secure detention facility authorized for use under
1228 chapter 985, for any purpose.

1229 (3) Any jail or other similar facility used for the purpose
1230 of detention or confinement of adults, for any purpose.

1231 Section 11. Section 984.09, Florida Statutes, is amended to
1232 read:

1233 984.09 Punishment for contempt of court; alternative
1234 sanctions.—

1235 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may
1236 punish any child for contempt for interfering with the court or
1237 with court administration, or for violating any provision of
1238 this chapter or order of the court relative thereto. It is the
1239 intent of the Legislature that the court restrict and limit the
1240 use of contempt powers and prohibit the use of detention care
1241 and detention facilities as set forth in s. 984.0861 with
1242 respect to commitment of a child to a secure facility. A child
1243 who commits direct contempt of court or indirect contempt of a
1244 valid court order may be taken into custody and ordered to serve
1245 an alternative sanction or placed in a shelter ~~secure~~ facility,
1246 as authorized in this section, by order of the court.

1247 (2) PLACEMENT IN A SHELTER ~~SECURE FACILITY~~.—A child

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1248 adjudicated as a child in need of services may be placed solely
1249 in a shelter ~~secure facility~~ for purposes of punishment for
1250 contempt of court if alternative sanctions are unavailable or
1251 inappropriate, or if the child has already been ordered to serve
1252 an alternative sanction but failed to comply with the sanction.

1253 ~~(a) A delinquent child who has been held in direct or~~
1254 ~~indirect contempt may be placed in a secure detention facility~~
1255 ~~for 5 days for a first offense or 15 days for a second or~~
1256 ~~subsequent offense, or in a secure residential commitment~~
1257 ~~facility.~~

1258 ~~(a)(b)~~ A child in need of services who has been held in
1259 direct contempt or indirect contempt may be placed, for 5 days
1260 for a first offense or 15 days for a second or subsequent
1261 offense, in a ~~staff-secure~~ shelter operated by or under contract
1262 with the department to provide such services ~~or a staff-secure~~
1263 ~~residential facility solely for children in need of services if~~
1264 ~~such placement is available, or, if such placement is not~~
1265 ~~available, the child may be placed in an appropriate mental~~
1266 ~~health facility or substance abuse facility for assessment. In~~
1267 addition to disposition under this paragraph, a child in need of
1268 services who is held in direct contempt or indirect contempt may
1269 be placed in a physically secure setting as provided under s.
1270 984.226 if conditions of eligibility are met.

1271 (b) A child subject to proceedings under s. 984.151 who has
1272 been held in direct contempt or indirect contempt may only be
1273 placed, for 5 days for a first offense or 15 days for a second
1274 or subsequent offense, in a shelter operated by or under
1275 contract with the department for such services if a shelter bed
1276 is available. Upon a second or subsequent finding of contempt

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1277 under this section, the court must refer the child to the case
1278 staffing committee with a recommendation to file a child in need
1279 of services petition.

1280 (c) Any shelter placement ordered under this section must
1281 be given as a cumulative sanction. Separate sanctions for the
1282 same act or series of acts within the same episode may not be
1283 imposed.

1284 (3) ALTERNATIVE SANCTIONS. ~~Each judicial circuit shall have~~
1285 ~~an alternative sanctions coordinator who shall serve under the~~
1286 ~~chief administrative judge of the juvenile division of the~~
1287 ~~circuit court, and who shall coordinate and maintain a spectrum~~
1288 ~~of contempt sanction alternatives in conjunction with the~~
1289 ~~circuit plan implemented in accordance with s. 790.22(4)(c).~~
1290 Upon determining that a child has committed direct contempt of
1291 court or indirect contempt of a valid court order, the court may
1292 immediately request the circuit alternative sanctions
1293 coordinator to recommend the most appropriate available
1294 alternative sanction and shall order the child to perform up to
1295 50 hours of community-service ~~manual labor~~ or a similar
1296 alternative sanction, unless an alternative sanction is
1297 unavailable or inappropriate, or unless the child has failed to
1298 comply with a prior alternative sanction. Alternative contempt
1299 sanctions may be provided by local industry or by any nonprofit
1300 organization or any public or private business or service entity
1301 that has entered into a contract with the department ~~of Juvenile~~
1302 ~~Justice~~ to act as an agent of the state to provide voluntary
1303 supervision of children on behalf of the state in exchange for
1304 the ~~manual~~ labor of children and limited immunity in accordance
1305 with s. 768.28(11).

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1306 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
1307 PROCESS.—

1308 (a) If a child subject to proceedings under this chapter is
1309 charged with direct contempt of court, ~~including traffic court,~~
1310 the court may impose an authorized sanction immediately.

1311 (b) If a child subject to proceedings under this chapter is
1312 charged with indirect contempt of court, the court must issue an
1313 order to show cause and schedule ~~hold~~ a hearing ~~within 24 hours~~
1314 to determine whether the child committed indirect contempt of a
1315 valid court order. The child must be served with the order to
1316 show cause and notice of hearing. At the hearing, the following
1317 due process rights must be provided to the child:

1318 1. Right to a copy of the order to show cause alleging
1319 facts supporting the contempt charge.

1320 2. Right to an explanation of the nature and the
1321 consequences of the proceedings.

1322 3. Right to legal counsel and the right to have legal
1323 counsel appointed by the court if the juvenile is indigent,
1324 pursuant to s. 984.07 ~~985.033~~. The court must appoint counsel
1325 for the child under s. 984.07 unless the child is not indigent
1326 and has counsel present to represent the child, or the child
1327 voluntarily, knowingly and intelligently waives counsel after
1328 having been fully informed of his or her rights.

1329 4. Right to confront witnesses.

1330 5. Right to present witnesses.

1331 6. Right to have a transcript or record of the proceeding.

1332 7. Right to appeal to an appropriate court.

1333
1334 The child's parent, legal ~~or~~ guardian, or custodian may address

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1335 the court regarding the due process rights of the child. If,
1336 after the hearing, the court determines the child has committed
1337 indirect contempt of a valid court order, the court may impose
1338 an alternative sanction or may proceed under subsection (2). If
1339 the court orders shelter placement of a child in need of
1340 services, the court shall review the matter ~~placement of the~~
1341 ~~child~~ every 72 hours to determine whether it is appropriate for
1342 the child to remain in the facility.

1343 (c) The court may not order that a child be placed in a
1344 shelter ~~secure~~ facility for punishment for contempt unless the
1345 court determines that an alternative sanction is inappropriate
1346 or unavailable or that the child was initially ordered to an
1347 alternative sanction and did not comply with the alternative
1348 sanction. The court is encouraged to order a child to perform
1349 community service, up to the maximum number of hours, where
1350 appropriate before ordering that the child be placed in a
1351 shelter ~~secure~~ facility as punishment for contempt of court.

1352 ~~(d) In addition to any other sanction imposed under this~~
1353 ~~section, the court may direct the Department of Highway Safety~~
1354 ~~and Motor Vehicles to withhold issuance of, or suspend, a~~
1355 ~~child's driver license or driving privilege. The court may order~~
1356 ~~that a child's driver license or driving privilege be withheld~~
1357 ~~or suspended for up to 1 year for a first offense of contempt~~
1358 ~~and up to 2 years for a second or subsequent offense. If the~~
1359 ~~child's driver license or driving privilege is suspended or~~
1360 ~~revoked for any reason at the time the sanction for contempt is~~
1361 ~~imposed, the court shall extend the period of suspension or~~
1362 ~~revocation by the additional period ordered under this~~
1363 ~~paragraph. If the child's driver license is being withheld at~~

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1364 ~~the time the sanction for contempt is imposed, the period of~~
1365 ~~suspension or revocation ordered under this paragraph shall~~
1366 ~~begin on the date on which the child is otherwise eligible to~~
1367 ~~drive. For a child in need of services whose driver license or~~
1368 ~~driving privilege is suspended under this paragraph, the court~~
1369 ~~may direct the Department of Highway Safety and Motor Vehicles~~
1370 ~~to issue the child a license for driving privileges restricted~~
1371 ~~to business or employment purposes only, as defined in s.~~
1372 ~~322.271, or for the purpose of completing court-ordered~~
1373 ~~community service, if the child is otherwise qualified for a~~
1374 ~~license. However, the department may not issue a restricted~~
1375 ~~license unless specifically ordered to do so by the court.~~

1376 (5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the
1377 position of alternative sanctions coordinator within each
1378 judicial circuit, ~~pursuant to subsection (3)~~. Each alternative
1379 sanctions coordinator shall serve under the direction of the
1380 chief administrative judge of the juvenile division as directed
1381 by the chief judge of the circuit. The alternative sanctions
1382 coordinator shall act as the liaison between the judiciary,
1383 local department officials, district school board employees, and
1384 local law enforcement agencies. The alternative sanctions
1385 coordinator shall coordinate within the circuit community-based
1386 alternative sanctions, including ~~nonsecure detention programs,~~
1387 ~~community service projects, and other juvenile sanctions, in~~
1388 ~~conjunction with the circuit plan implemented in accordance with~~
1389 ~~s. 790.22(4)(c).~~

1390 Section 12. Section 984.10, Florida Statutes, is amended to
1391 read:

1392 984.10 Intake.—

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1393 (1) Intake shall be performed by the department or the
1394 department's authorized agent. A report ~~or complaint~~ alleging
1395 that a child is from a family in need of services shall be made
1396 to the intake office operating in the county in which the child
1397 is found or in which the case arose. Any person or agency,
1398 including, but not limited to, the parent, ~~or~~ legal guardian, or
1399 custodian, the local school district, a law enforcement agency,
1400 or the Department of Children and Families, having knowledge of
1401 the facts may make a report ~~or complaint~~.

1402 (2) A representative of the department shall make a
1403 preliminary determination as to whether the report ~~or complaint~~
1404 is complete. The criteria for the completeness of a report ~~or~~
1405 ~~complaint~~ with respect to a child alleged to be from a family in
1406 need of services while subject to compulsory school attendance
1407 shall be governed by s. 984.03(17) ~~984.03(27)~~. In any case in
1408 which the representative of the department finds that the report
1409 ~~or complaint~~ is incomplete, the representative of the department
1410 shall return the report ~~or complaint~~ without delay to the person
1411 or agency originating the report ~~or complaint~~ or having
1412 knowledge of the facts or to the appropriate law enforcement
1413 agency having investigative jurisdiction and request additional
1414 information in order to complete the report ~~or complaint~~.

1415 (3) If the representative of the department determines that
1416 in his or her judgment the interests of the family, the child,
1417 and the public will be best served by providing the family and
1418 child services and treatment voluntarily accepted by the child
1419 and the parents, ~~or~~ legal guardians, or custodians, the
1420 department's departmental representative may refer the family or
1421 child to an appropriate service ~~and treatment~~ provider. As part

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1422 of the intake procedure, the department's ~~departmental~~
1423 representative shall inform the parent, ~~or~~ legal custodian
1424 guardian, or custodian, in writing, of the services currently
1425 ~~and treatment~~ available to the child and family by department
1426 providers and other ~~or~~ community agencies in the county in which
1427 the family is located and of the rights and responsibilities of
1428 the parent, ~~or~~ legal guardian, or custodian under this chapter.
1429 Upon admission, and depending on services, a staff member may be
1430 assigned to the family as deemed appropriate to care for the
1431 child.

1432 (4) If the department has reasonable grounds to believe
1433 that the child has been abandoned, abused, or neglected, it
1434 shall proceed pursuant to ~~the provisions of~~ chapter 39 and the
1435 abuse hotline shall be contacted.

1436 Section 13. Section 984.11, Florida Statutes, is amended to
1437 read:

1438 984.11 Services to families ~~in need of services.~~

1439 (1) The department or its designated service provider shall
1440 provide an array of voluntary family services aimed toward
1441 remediating school truancy, homelessness, and runaway and
1442 ungovernable behavior by children. Services ~~and treatment~~ to
1443 families in need of services shall be by voluntary agreement of
1444 the parent, ~~or~~ legal guardian, or custodian and the child ~~or as~~
1445 ~~directed by a court order pursuant to s. 984.22.~~

1446 (2) These services may include, but need not be limited to:

1447 (a) ~~Homemaker or~~ Parent aide services.

1448 (b) Intensive crisis counseling.

1449 (c) Parent training.

1450 (d) Individual, group, or family counseling.

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- 1451 (e) Referral to community mental health services.
- 1452 (f) Prevention and diversion services.
- 1453 (g) Services provided by voluntary or community agencies.
- 1454 (h) Runaway center services.
- 1455 (i) Runaway shelter ~~Housekeeper~~ services.
- 1456 (j) Referral for special educational, tutorial, or remedial
- 1457 services.
- 1458 (k) Referral to vocational, career development ~~job~~
- 1459 ~~training,~~ or employment services.
- 1460 (l) Recreational services.
- 1461 (m) Assessment.
- 1462 (n) Management.
- 1463 (o) Referral for or provision of substance abuse assessment
- 1464 or treatment.

1465 (3) The department shall advise the parents, ~~or~~ legal

1466 guardian, or custodian that they are responsible for

1467 contributing to the cost of the ~~child or family~~ services and

1468 ~~treatment~~ to the extent of their ability to pay. The parent is

1469 responsible for using health care insurance to the extent it is

1470 available for the provision of health services ~~The department~~

1471 ~~shall set and charge fees for services and treatment provided to~~

1472 ~~clients. The department may employ a collection agency for the~~

1473 ~~purpose of receiving, collecting, and managing the payment of~~

1474 ~~unpaid and delinquent fees. The collection agency must be~~

1475 ~~registered and in good standing under chapter 559. The~~

1476 ~~department may pay to the collection agency a fee from the~~

1477 ~~amount collected under the claim or may authorize the agency to~~

1478 ~~deduct the fee from the amount collected.~~

1479 (4) ~~The department may file a petition with the circuit~~

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1480 ~~court to enforce the collection of fees for services and~~
1481 ~~treatment rendered to the child or the parent and other legal~~
1482 ~~eustodians.~~

1483 Section 14. Section 984.12, Florida Statutes, is amended to
1484 read:

1485 984.12 Case staffing; services and treatment related to a
1486 family in need of services.-

1487 (1) The appropriate representative of the department shall
1488 request a meeting of the family and child with a case staffing
1489 committee to review the case of any family or child who the
1490 department determines is in need of services ~~or treatment~~ if:

1491 (a) The family or child is not in agreement with the
1492 services or treatment offered;

1493 (b) The family or child will not participate in the
1494 services or treatment selected; or

1495 (c) The representative of the department needs assistance
1496 in developing an appropriate plan for services. The time and
1497 place selected for the meeting shall be convenient for the child
1498 and family.

1499 (2) The composition of the case staffing committee shall be
1500 based on the needs of the family and child. It shall include a
1501 representative from the child's school district and a
1502 representative of the department ~~of Juvenile Justice~~, and may
1503 include the department's designated service provider and a
1504 supervisor of the department's contracted provider; a
1505 representative from the area of health, mental health, substance
1506 abuse, or social, ~~or educational~~ services; a representative of
1507 the state attorney; a representative of law enforcement ~~the~~
1508 ~~alternative sanctions coordinator~~; and any person recommended by

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1509 the child, family, or department. The child and the child's
1510 parent, legal guardian, or custodian must be invited to attend
1511 the committee meeting.

1512 (3) The case staffing committee shall:

1513 (a) Identify the family's concerns and contributing
1514 factors.

1515 (b) Request the family and child to identify their needs
1516 and concerns.

1517 (c) Seek input from the school district and any other
1518 persons in attendance with knowledge of the family or child's
1519 situation and concerns.

1520 (d) Consider the voluntary family services or other
1521 community services that have been offered and the results of
1522 those services.

1523 (e) Identify whether truancy is a concern and the efforts
1524 made by the child study team to remedy the truancy.

1525 (f) Reach a timely decision to provide the child or family
1526 with ~~needed~~ services and recommend any appropriate ~~and~~ treatment
1527 through the development of a plan for services.

1528 (4) The plan for services shall contain the following:

1529 (a) Statement of the concerns ~~problems~~.

1530 (b) Needs of the child.

1531 (c) Needs of the parents, legal guardian, or ~~legal~~
1532 custodian.

1533 (d) Measurable objectives that address the identified
1534 problems and needs.

1535 (e) Services and treatment to be provided, to include:

1536 1. Type of services or treatment.

1537 2. Frequency of services or treatment.

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- 1538 3. Location.
- 1539 4. Accountable service providers or staff.
- 1540 (f) Timeframes for achieving objectives.
- 1541 (5) Upon receipt of the plan, the child and family shall
- 1542 acknowledge their position by accepting or rejecting the
- 1543 services and provisions in writing. If the plan is accepted, it
- 1544 shall be implemented as soon as is practicable.
- 1545 (6) The assigned case manager shall have responsibility A
- 1546 ~~case manager shall be designated by the case staffing committee~~
- 1547 ~~to be responsible~~ for implementing the plan. The department's
- 1548 designated service provider case manager shall periodically
- 1549 review the progress toward ~~towards~~ achieving the objectives of
- 1550 the plan in order to:
- 1551 (a) Advise the case staffing committee of the need to make
- 1552 adjustments to the plan; ~~or~~
- 1553 (b) Recommend a child in need of services petition be filed
- 1554 by the department; or
- 1555 (c) ~~(b)~~ Terminate the case as indicated by successful or
- 1556 substantial achievement of the objectives of the plan.
- 1557 (7) The parent, guardian, or legal custodian may convene a
- 1558 meeting of the case staffing committee, ~~and any other member of~~
- 1559 ~~the committee may convene a meeting if the member finds that~~
- 1560 ~~doing so is in the best interest of the family or child.~~ A case
- 1561 staffing committee meeting requested by a parent, guardian, or
- 1562 legal custodian must be convened within 7 days, excluding
- 1563 weekends and legal holidays, after the date the department's
- 1564 representative receives the request in writing.
- 1565 (8) Any other member of the committee may convene a meeting
- 1566 if voluntary family services have been offered and the services

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1567 have been rejected by the child or family, or the child has not
1568 made measurable progress toward achieving the service plan
1569 goals, and the member finds that doing so is in the best
1570 interest of the family or child.

1571 (9) A case staffing committee meeting must be convened
1572 within 30 days after the date the case is referred by the court
1573 pursuant to s. 984.151.

1574 (10)~~(8)~~ Within 7 days after meeting, the case staffing
1575 committee shall provide the parent, guardian, or legal custodian
1576 with a written report that details the reasons for the
1577 committee's decision to recommend, or decline to recommend, that
1578 the department file a petition alleging that the child is a
1579 child in need of services.

1580 (11) The case staffing committee may reconvene from time to
1581 time as may be necessary to make adjustments to the plan.

1582 Section 15. Section 984.13, Florida Statutes, is amended to
1583 read:

1584 984.13 Taking a child into custody ~~a child alleged to be~~
1585 ~~from a family in need of services or to be a child in need of~~
1586 ~~services.-~~

1587 (1) A child may be taken into custody:

1588 (a) By a law enforcement officer when the officer has
1589 reasonable grounds to believe that the child has run away from
1590 his or her parents, legal guardian, or ~~other legal~~ custodian.

1591 (b) By a law enforcement officer when the officer has
1592 reasonable grounds to believe that the child is absent from
1593 school without authorization or is suspended or expelled and is
1594 not in the presence of his or her parent, or legal guardian, or
1595 custodian, for the purpose of delivering the child without

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1596 unreasonable delay to the appropriate school system site. For
 1597 the purpose of this paragraph, "school system site" includes,
 1598 but is not limited to, a center approved by the superintendent
 1599 of schools for the purpose of counseling students and referring
 1600 them back to the school system or an approved alternative to a
 1601 suspension or expulsion program. If a student is suspended or
 1602 expelled from school without assignment to an alternative school
 1603 placement, the law enforcement officer shall deliver the child
 1604 to the parent, ~~or~~ legal guardian, or custodian, to a location
 1605 determined by the parent, legal ~~or~~ guardian, or custodian, or to
 1606 a designated truancy interdiction site until the parent or
 1607 guardian can be located.

1608 (c) Pursuant to an order of the circuit court based upon
 1609 sworn testimony before or after a child in need of services
 1610 petition is filed under s. 984.15.

1611 (d) Pursuant to an order of the circuit court based upon a
 1612 finding of contempt under this chapter, for the purpose of
 1613 delivering the child to a designated shelter facility.

1614 (e) ~~(d)~~ By a law enforcement officer when the child
 1615 voluntarily agrees to or requests services pursuant to this
 1616 chapter or placement in a shelter.

1617 (2) The person taking the child into custody shall:

1618 (a) Release the child to a parent, legal guardian, ~~legal~~
 1619 ~~custodian, or responsible adult relative or to a department-~~
 1620 ~~approved family-in-need-of-services and child-in-need-of-~~
 1621 ~~services provider~~ if the person taking the child into custody
 1622 has reasonable grounds to believe the child has run away from a
 1623 parent, legal guardian, or ~~legal~~ custodian; is truant; or is
 1624 ungovernable and beyond the control of the parent, guardian, or

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1625 legal custodian; following such release, the person taking the
1626 child into custody shall make a full written report to the
1627 family in need of services intake office of the department
1628 within 3 days; or

1629 (b) Deliver the child to a shelter designated by the
1630 department, stating the facts by reason of which the child was
1631 taken into custody and sufficient information to establish
1632 probable cause that the child be delivered to a shelter: ~~is from~~
1633 ~~a family in need of services.~~

1634 1. Pursuant to a court order that the child has been found
1635 guilty of contempt under this chapter;

1636 2. Pursuant to a court order for shelter placement
1637 subsequent to adjudication as a child in need of services;

1638 3. Because the child has requested voluntary family
1639 services and shelter placement; or

1640 4. Because the child and parent, legal guardian, or
1641 custodian voluntarily agree that the child is in need of
1642 temporary shelter placement and such placement is necessary to
1643 provide a safe place for the child to remain until the parents
1644 and child can agree on conditions for the child's safe return
1645 home.

1646 (c) Deliver the child to a department-approved shelter or
1647 physically secure shelter pursuant to a court order issued under
1648 this chapter.

1649 (d) Deliver the child to a hospital for necessary
1650 evaluation and treatment if the child is believed to be
1651 suffering from a serious physical condition which requires
1652 either prompt diagnosis or treatment.

1653 (e) Deliver the child to a designated public receiving

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1654 facility as defined in s. 394.455 for examination under s.
1655 394.463 if the child is believed to be mentally ill, including
1656 immediate threat of suicide as provided in s. 394.463(1).

1657 (f) Deliver the child to a hospital, addictions receiving
1658 facility, or treatment resource if the child appears to be
1659 intoxicated and has threatened, attempted, or inflicted physical
1660 harm on himself or herself or another, or is incapacitated by
1661 substance abuse.

1662 (3) If the child is taken into custody and ~~by, or~~ is
1663 delivered to a shelter, ~~the department,~~ the appropriate
1664 representative of the department shall review the facts and make
1665 such further inquiry as necessary to determine whether the child
1666 shall remain in shelter ~~custody~~ or be released. Unless shelter
1667 is required as provided in s. 984.09, s. 984.22, or s. 984.226,
1668 or the parent, legal guardian, or custodian agrees to the
1669 child's temporary voluntary shelter placement, ~~s. 984.14(1),~~ the
1670 department shall:

1671 (a) Release the child to his or her parent, legal guardian,
1672 or ~~legal~~ custodian, to a responsible adult approved by the
1673 parent, guardian, or legal custodian ~~relative,~~ to a responsible
1674 adult approved by the department, or to a department-approved
1675 shelter family-in-need-of-services and child-in-need-of-services
1676 provider; or

1677 (b) Authorize voluntary family ~~temporary~~ services and
1678 ~~treatment~~ that would allow the child alleged to be from a family
1679 in need of services to remain at home.

1680 Section 16. Section 984.14, Florida Statutes, is amended to
1681 read:

1682 984.14 Voluntary shelter services ~~placement; hearing.-~~

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1683 (1) The department shall provide temporary voluntary
1684 shelter services for the purpose of offering a safe environment
1685 that provides 24-hour care and supervision, referrals for
1686 services as needed, education at the center or off site, and
1687 counseling services for children when ~~Unless ordered by the~~
1688 ~~court pursuant to the provisions of this chapter, or upon~~
1689 ~~voluntary consent to placement by the child and the child's~~
1690 ~~parent, legal guardian, or custodian, a child taken into custody~~
1691 ~~shall not be placed in a shelter prior to a court hearing unless~~
1692 ~~a determination has been made that the provision of appropriate~~
1693 ~~and available services will not eliminate the need for placement~~
1694 ~~and that such placement is required:~~

1695 (a) A child has run away from his or her caregiver, to
1696 provide an opportunity for the child and family to agree upon
1697 conditions for the child's return home, when immediate placement
1698 in the home would result in a substantial likelihood that the
1699 child and family would not reach an agreement; ~~or~~

1700 (b) A ~~Because a parent, legal guardian, or custodian, or~~
1701 ~~guardian~~ is unavailable to take immediate custody of the child;
1702 or

1703 (c) A parent, legal guardian, or custodian has requested
1704 voluntary shelter for the child.

1705 (2) If a child is sheltered due to being a runaway, or a
1706 parent, legal guardian, or custodian is unavailable, the
1707 department's designated shelter shall immediately attempt to
1708 make contact with the parent, legal guardian, or custodian to
1709 advise the family of the child's whereabouts, determine if the
1710 child can safely return home, or determine if the family is
1711 seeking temporary voluntary shelter services until the family

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1712 can arrange to take the child home. If the parent, legal
1713 guardian, or custodian cannot be located within 24 hours, the
1714 Department of Children and Families shall be contacted to assume
1715 custody of the child ~~If the department determines that placement~~
1716 ~~in a shelter is necessary according to the provisions of~~
1717 ~~subsection (1), the departmental representative shall authorize~~
1718 ~~placement of the child in a shelter provided by the community~~
1719 ~~specifically for runaways and troubled youth who are children in~~
1720 ~~need of services or members of families in need of services and~~
1721 ~~shall immediately notify the parents or legal custodians that~~
1722 ~~the child was taken into custody.~~

1723 ~~(3) A child who is involuntarily placed in a shelter shall~~
1724 ~~be given a shelter hearing within 24 hours after being taken~~
1725 ~~into custody to determine whether shelter placement is required.~~
1726 ~~The shelter petition filed with the court shall address each~~
1727 ~~condition required to be determined in subsection (1).~~

1728 ~~(4) A child may not be held involuntarily in a shelter~~
1729 ~~longer than 24 hours unless an order so directing is made by the~~
1730 ~~court after a shelter hearing finding that placement in a~~
1731 ~~shelter is necessary based on the criteria in subsection (1) and~~
1732 ~~that the department has made reasonable efforts to prevent or~~
1733 ~~eliminate the need for removal of the child from the home.~~

1734 ~~(5) Except as provided under s. 984.225, a child in need of~~
1735 ~~services or a child from a family in need of services may not be~~
1736 ~~placed in a shelter for longer than 35 days.~~

1737 ~~(6) When any child is placed in a shelter pursuant to court~~
1738 ~~order following a shelter hearing, the court shall order the~~
1739 ~~natural or adoptive parents of such child, the natural father of~~
1740 ~~such child born out of wedlock who has acknowledged his~~

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1741 ~~paternity in writing before the court, or the guardian of such~~
1742 ~~child's estate, if possessed of assets which under law may be~~
1743 ~~disbursed for the care, support, and maintenance of the child,~~
1744 ~~to pay, to the department, fees as established by the~~
1745 ~~department. When the order affects the guardianship estate, a~~
1746 ~~certified copy of the order shall be delivered to the judge~~
1747 ~~having jurisdiction of the guardianship estate.~~

1748 ~~(7) A child who is adjudicated a child in need of services~~
1749 ~~or alleged to be from a family in need of services or a child in~~
1750 ~~need of services may not be placed in a secure detention~~
1751 ~~facility or jail or any other commitment program for delinquent~~
1752 ~~children under any circumstances.~~

1753 ~~(8) The court may order the placement of a child in need of~~
1754 ~~services into a staff-secure facility for no longer than 5 days~~
1755 ~~for the purpose of evaluation and assessment.~~

1756 Section 17. Section 984.15, Florida Statutes, is amended to
1757 read:

1758 984.15 Petition for a child in need of services.-

1759 (1) All proceedings seeking an adjudication that a child is
1760 a child in need of services shall be initiated by the filing of
1761 a petition by an attorney representing the department or by the
1762 child's parent, legal guardian, or legal custodian. ~~If a child~~
1763 ~~in need of services has been placed in a shelter pursuant to s.~~
1764 ~~984.14, the department shall file the petition immediately,~~
1765 ~~including in the petition notice of arraignment pursuant to s.~~
1766 ~~984.20.~~

1767 (2) (a) The department shall file a petition for a child in
1768 need of services if the child meets the definition of a child in
1769 need of services, and the case manager or staffing committee

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1770 recommends ~~requests~~ that a petition be filed and:

1771 1. The family and child have in good faith, but
1772 unsuccessfully, used the services and process described in ss.
1773 984.11 and 984.12; or

1774 2. The family or child have refused ~~all~~ services described
1775 in ss. 984.11 and 984.12 after reasonable efforts by the
1776 department to involve the family and child in voluntary family
1777 services ~~and treatment~~.

1778 (b) Once the requirements in paragraph (a) have been met,
1779 the department shall file a petition for a child in need of
1780 services as soon as practicable ~~within 45 days~~.

1781 (c) The petition shall be in writing, shall state the
1782 specific grounds ~~under s. 984.03(9)~~ by which the child is
1783 designated a child in need of services, and shall certify that
1784 the conditions prescribed in paragraph (a) have been met. The
1785 petition shall be signed by the petitioner under oath stating
1786 good faith in filing the petition and shall be signed by an
1787 attorney for the department.

1788 (3)(a) The parent, legal guardian, or ~~legal~~ custodian may
1789 file a petition alleging that a child is a child in need of
1790 services if:

1791 1. The department waives the requirement for a case
1792 staffing committee.

1793 2. The department fails to convene a meeting of the case
1794 staffing committee within 7 days, excluding weekends and legal
1795 holidays, after receiving a written request for such a meeting
1796 from the child's parent, legal guardian, or ~~legal~~ custodian.

1797 3. The parent, legal guardian, or ~~legal~~ custodian does not
1798 agree with the plan for services offered by the case staffing

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1799 committee.

1800 4. The department fails to provide a written report within
1801 7 days after the case staffing committee meets, as required
1802 under s. 984.12(10) ~~s. 984.12(8)~~.

1803 (b) The parent, legal guardian, or ~~legal~~ custodian must
1804 give the department prior written notice of intent to file the
1805 petition. If, at the arraignment hearing, the court finds that
1806 such written notice of intent to file the petition was not
1807 provided to the department, the court shall dismiss the
1808 petition, postpone the hearing until such written notice is
1809 given, or, if the department agrees, proceed with the
1810 arraignment hearing. The petition must be served on the
1811 department's office of general counsel.

1812 (c) The petition must be in writing and must set forth
1813 specific facts alleging that the child is a child in need of
1814 services ~~as defined in s. 984.03(9)~~. The petition must also
1815 demonstrate that the parent, legal guardian, or ~~legal~~ custodian
1816 has in good faith, but unsuccessfully, participated in the
1817 services and processes described in ss. 984.11 and 984.12.

1818 ~~(4)(d)~~ (4) The petition must be signed by the petitioner under
1819 oath.

1820 ~~(5)(e)~~ (5) The court, on its own motion or the motion of any
1821 party or the department, shall determine the legal sufficiency
1822 of a petition filed under this subsection and may dismiss any
1823 petition that lacks sufficient grounds. In addition, the court
1824 shall verify that the child is not:

1825 ~~(a)1-~~ (a)1. The subject of a pending investigation into an
1826 allegation or suspicion of abuse, neglect, or abandonment;

1827 ~~(b)2-~~ (b)2. The subject of a pending petition ~~referral~~ alleging

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1828 that the child is delinquent; or

1829 ~~(c)3-~~ Under the current supervision of the department or
1830 the Department of Children and Families for an adjudication of
1831 delinquency or dependency.

1832 ~~(6)4-~~ The form of the petition and any additional contents
1833 shall be determined by rules of procedure adopted by the Supreme
1834 Court.

1835 ~~(7)5-~~ The petitioner ~~department or the parent, guardian,~~
1836 ~~or legal custodian~~ may withdraw a petition at any time before
1837 ~~prior to~~ the child is being adjudicated a child in need of
1838 services.

1839 Section 18. Section 984.151, Florida Statutes, is amended
1840 to read:

1841 984.151 Early truancy intervention; truancy petition;
1842 judgment prosecution; disposition.-

1843 (1) If the school determines that a student subject to
1844 compulsory school attendance has had at least five unexcused
1845 absences, or absences for which the reasons are unknown, within
1846 a calendar month or 10 unexcused absences, or absences for which
1847 the reasons are unknown, within a 90-calendar-day period
1848 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused
1849 absences in a 90-calendar-day period, the superintendent of
1850 schools or his or her designee may file a truancy petition
1851 seeking early truancy intervention.

1852 (2) The petition shall be filed in the circuit in which the
1853 student is enrolled in school.

1854 (3) Original jurisdiction to hear a truancy petition shall
1855 be in the circuit court; however, the circuit court may use a
1856 general or special magistrate ~~master~~ pursuant to Supreme Court

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1857 rules. Upon the filing of the petition, the clerk shall issue a
 1858 summons to the parent, legal guardian, or ~~legal~~ custodian of the
 1859 student, directing that person and the student to appear for a
 1860 hearing at a time and place specified.

1861 (4) The petition must contain the following: the name, age,
 1862 and address of the student; the name and address of the
 1863 student's parent or guardian; the school where the student is
 1864 enrolled; the efforts the school has made to get the student to
 1865 attend school in compliance with s. 1003.26; the number of out-
 1866 of-school contacts between the school system and student's
 1867 parent or guardian; and the number of days and dates of days the
 1868 student has missed school. The petition shall be sworn to by the
 1869 superintendent or his or her designee.

1870 (5) Once the petition is filed, the court shall hear the
 1871 petition within 30 days.

1872 (6) The student and the student's parent or guardian shall
 1873 attend the hearing.

1874 (7) If the court determines that the student did miss any
 1875 of the alleged days, the court shall enter an order finding the
 1876 child to be a truant status offender, ~~the court~~ shall order the
 1877 student to attend school, and shall order the parent, legal
 1878 guardian, or custodian to ensure that the student attends
 1879 school. The court, ~~and~~ may order any of the following services:

1880 (a) The student to participate in ~~alternative sanctions to~~
 1881 ~~include mandatory attendance at alternative classes; to be~~
 1882 ~~followed by mandatory community services hours for a period up~~
 1883 ~~to 6 months; the student and~~

1884 (b) The student's parent, legal ~~or~~ guardian, or custodian
 1885 to participate in parenting classes ~~homemaker or parent aide~~

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1886 ~~services;~~

1887 (c) The student or the student's parent, legal ~~or~~ guardian
1888 or custodian to participate in individual, group, or family
1889 ~~intensive crisis~~ counseling;

1890 (d) The student or the student's parent, legal ~~or~~ guardian
1891 or custodian to participate in community mental health services
1892 or substance abuse treatment services if available and
1893 applicable;

1894 (e) The student and the student's parent, legal ~~or~~
1895 guardian, or custodian to participate in services ~~service~~
1896 provided by state or community voluntary or community agencies,
1897 if appropriate as available, including services for families in
1898 need of services as provided in s. 984.11;

1899 (f) The student and the student's parent, legal guardian,
1900 or custodian to attend meetings with school officials to address
1901 the child's educational needs, classroom assignment, class
1902 schedule, and other barriers to school attendance identified by
1903 the child's school, the child or his or her family;

1904 (g) The student and the student's parent, legal guardian,
1905 or custodian to engage in learning activities provided by the
1906 school board as to why education is important and the potential
1907 impact on the child's future employment and education options if
1908 the attendance problem persists; or

1909 (h) and The student or the student's parent, legal ~~or~~
1910 guardian, or custodian to participate in vocational ~~or~~ job
1911 ~~training, or employment services.~~

1912 (8) If the student does not substantially comply with
1913 compulsory school attendance and court-ordered services required
1914 under ~~successfully complete the sanctions ordered in~~ subsection

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1915 (7), and the child meets the definition of a child in need of
1916 services, the case shall be referred by the court to the
1917 department's designated service provider for review by the case
1918 staffing committee under s. 984.12 with a recommendation to file
1919 a petition for child in need of services ~~child in need of~~
1920 ~~services petition~~ under s. 984.15. The court shall review the
1921 case not less than every 45 days to determine if the child is in
1922 substantial compliance with compulsory education or if the case
1923 should be referred to the case staffing committee in accord with
1924 this subsection.

1925 (9) If the student substantially complies with compulsory
1926 school attendance, the court shall close the truancy case.

1927 (10) If the child is adjudicated a child in need of
1928 services pursuant to s. 984.21, the truancy case shall be closed
1929 and jurisdiction relinquished in accordance with s. 984.04.

1930 (11) The court may retain jurisdiction of any case in which
1931 the child is noncompliant with compulsory education and the
1932 child does not meet the definition of a child in need of
1933 services under this chapter until the child is no longer subject
1934 to compulsory education under s. 1003.21 or jurisdiction lapses
1935 in accord with s. 984.04, whichever occurs first.

1936 (12) The court may not order a child placed in shelter
1937 pursuant to this section unless the court finds the child in
1938 contempt for violation of a court order under s. 984.09.

1939 (13) The court may not order a child to be placed in
1940 detention care or any detention facility pursuant to this
1941 section.

1942 (14) ~~(9)~~ The parent, legal guardian, or legal ~~legal~~ custodian and
1943 the student shall participate, as required by court order, in

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1944 any sanctions or services required by the court under this
 1945 section, and the court shall enforce such participation through
 1946 its contempt power.

1947 (15) Any truant student that meets the definition of a
 1948 child in need of services and who has been found in contempt for
 1949 violation of a court order under s. 984.09 two or more times
 1950 shall be referred to the case staffing committee under s. 984.12
 1951 with a recommendation that the committee file a petition for a
 1952 child in need of services.

1953 (16) The clerk of the circuit court shall serve any court
 1954 order referring the case to voluntary family services or the
 1955 case staffing committee to the department's office of general
 1956 counsel and to the department's designated child in need of
 1957 services provider.

1958 Section 19. Subsections (3) and (5) of section 984.16,
 1959 Florida Statutes, are amended, and subsection (11) is added to
 1960 that section, to read:

1961 984.16 Process and service for child in need of services
 1962 petitions.—

1963 (3) The summons shall require the person on whom it is
 1964 served to appear for a hearing at a time and place specified.
 1965 ~~Except in cases of medical emergency, the time shall not be less~~
 1966 ~~than 24 hours after service of the summons.~~ The summons must ~~may~~
 1967 require the custodian to bring the child to court ~~if the court~~
 1968 ~~determines that the child's presence is necessary.~~ A copy of the
 1969 petition shall be attached to the summons.

1970 (5) The jurisdiction of the court shall attach to the child
 1971 and the parent, legal guardian, ~~or legal guardian~~
 1972 of the child and the case when the summons is served upon the

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1973 child or a parent, ~~or~~ legal guardian, or ~~actual~~ custodian of the
1974 child; ~~or~~ when the child is taken into custody with or without
1975 service of summons and after filing of a petition for a child in
1976 need of services; or when a party personally appears before the
1977 court, whichever occurs first, and thereafter the court may
1978 control the child and case in accordance with this chapter.

1979 (11) If a court takes action that directly involves a
1980 student's school, including, but not limited to, an order that a
1981 student attend school, attend school with his or her parent, or
1982 an order that the parent participate in meetings, including
1983 parent-teacher conferences, Section 504 plan meetings, or
1984 individualized education plan meetings to address the student's
1985 disability, the office of the clerk of the circuit court shall
1986 provide notice to the school of the court's action.

1987 Section 20. Section 984.17, Florida Statutes, is amended to
1988 read:

1989 984.17 Response to petition and representation of parties.-

1990 (1) At the time a child in need of services petition is
1991 filed, the court may appoint a guardian ad litem for the child.

1992 (2) No answer to the petition or any other pleading need be
1993 filed by any child, parent, ~~or~~ legal guardian, or custodian, but
1994 any matters which might be set forth in an answer or other
1995 pleading may be pleaded orally before the court or filed in
1996 writing as any such person may choose. Notwithstanding the
1997 filing of an answer or any pleading, the child and ~~or~~ parent,
1998 legal guardian, or custodian shall, before ~~prior to~~ an
1999 adjudicatory hearing, be advised by the court of the right to
2000 counsel.

2001 (3) When a petition for a child in need of services has

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2002 been filed and the parents, legal guardian, or ~~legal~~ custodian
2003 of the child and the child have advised the department that the
2004 truth of the allegations is acknowledged and that no contest is
2005 to be made of the adjudication, the attorney representing the
2006 department may set the case before the court for a disposition
2007 hearing. If there is a change in the plea at this hearing, the
2008 court shall continue the hearing to permit the attorney
2009 representing the department to prepare and present the case.

2010 (4) An attorney representing the department shall represent
2011 the state in any proceeding in which the petition alleges that a
2012 child is a child in need of services ~~and in which a party denies~~
2013 ~~the allegations of the petition and contests the adjudication.~~

2014 Section 21. Section 984.18, Florida Statutes, is repealed.

2015 Section 22. Section 984.19, Florida Statutes, is amended to
2016 read:

2017 984.19 Medical screening and treatment of child;
2018 examination of parent, legal guardian, or person requesting
2019 custody.—

2020 (1) When any child is to be placed in shelter care, the
2021 department or its authorized agent may ~~is authorized to~~ have a
2022 medical screening provided for ~~performed on~~ the child without
2023 authorization from the court and without consent from a parent,
2024 legal or guardian, or custodian. Such medical screening shall be
2025 provided ~~performed~~ by a licensed health care professional and
2026 shall be to screen ~~examine~~ the child for injury, illness, and
2027 communicable diseases. In no case does this subsection authorize
2028 the department to consent to medical treatment for such
2029 children.

2030 (2) When ~~the department has performed~~ the medical screening

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2031 authorized by subsection (1) or when it is otherwise determined
2032 by a licensed health care professional that a child is in need
2033 of medical treatment, consent for medical treatment shall be
2034 obtained in the following manner:

2035 (a)1. Consent to medical treatment shall be obtained from a
2036 parent, legal ~~or~~ guardian, or custodian of the child; or

2037 2. A court order for such treatment shall be obtained.

2038 (b) If a parent, legal ~~or~~ guardian, or custodian of the
2039 child is unavailable and his or her whereabouts cannot be
2040 reasonably ascertained, and it is after normal working hours so
2041 that a court order cannot reasonably be obtained, an authorized
2042 agent of the department or its provider has the authority to
2043 consent to necessary medical treatment for the child. The
2044 authority of the department to consent to medical treatment in
2045 this circumstance is limited to the time reasonably necessary to
2046 obtain court authorization.

2047 (c) If a parent, legal ~~or~~ guardian, or custodian of the
2048 child is available but refuses to consent to the necessary
2049 treatment, a court order is required, unless the situation meets
2050 the definition of an emergency in s. 743.064 or the treatment
2051 needed is related to suspected abuse or neglect of the child by
2052 the parent or guardian. In such case, the department's
2053 authorized agent may ~~department has the authority to~~ consent to
2054 necessary medical treatment. This authority is limited to the
2055 time reasonably necessary to obtain court authorization.

2056
2057 In no case may the department consent to sterilization,
2058 abortion, or termination of life support.

2059 (3) A judge may order that a child alleged to be or

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2060 adjudicated a child in need of services be examined by a
2061 licensed health care professional. The judge may also order such
2062 child to be evaluated by a psychiatrist or a psychologist, by a
2063 district school board educational needs assessment team, or, if
2064 a developmental disability is suspected or alleged, by the
2065 developmental disability diagnostic and evaluation team of the
2066 Department of Children and Families or Agency for Persons with
2067 Disabilities. The judge may order a family assessment if that
2068 assessment was not completed at an earlier time. If it is
2069 necessary to place a child in a residential facility for such
2070 evaluation, then the criteria and procedure established in s.
2071 394.463(2) or chapter 393 shall be used, whichever is
2072 applicable. The educational needs assessment provided by the
2073 district school board educational needs assessment team shall
2074 include, but not be limited to, reports of intelligence and
2075 achievement tests, screening for learning disabilities and other
2076 handicaps, and screening for the need for alternative education
2077 pursuant to s. 1003.53.

2078 (4) A judge may order that a child alleged to be or
2079 adjudicated a child in need of services be treated by a licensed
2080 health care professional. The judge may also order such child to
2081 receive mental health or intellectual disability services from a
2082 psychiatrist, psychologist, or other appropriate service
2083 provider. If it is necessary to place the child in a residential
2084 facility for such services, the procedures and criteria
2085 established in s. 394.467 or chapter 393 shall be used, as
2086 applicable. A child may be provided services in emergency
2087 situations pursuant to the procedures and criteria contained in
2088 s. 394.463(1) or chapter 393, as applicable.

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2089 (5) When there are indications of physical injury or
2090 illness, a licensed health care professional shall be
2091 immediately contacted ~~called~~ or the child shall be taken to the
2092 nearest available hospital for emergency care.

2093 (6) Except as otherwise provided herein, ~~nothing in this~~
2094 section does not ~~shall be deemed to~~ eliminate the right of a
2095 parent, legal ~~a~~ guardian, or custodian, or the child to consent
2096 to examination or treatment for the child.

2097 (7) Except as otherwise provided herein, ~~nothing in this~~
2098 section does not ~~shall be deemed to~~ alter the provisions of s.
2099 743.064.

2100 (8) A court may order ~~shall not be precluded from ordering~~
2101 services or treatment to be provided to the child by a duly
2102 accredited practitioner who relies solely on spiritual means for
2103 healing in accordance with the tenets and practices of a church
2104 or religious organization, when required by the child's health
2105 and when requested by the child.

2106 (9) ~~Nothing in~~ This section does not ~~shall be construed to~~
2107 authorize the permanent sterilization of the child, unless such
2108 sterilization is the result of or incidental to medically
2109 necessary treatment to protect or preserve the life of the
2110 child.

2111 (10) For the purpose of obtaining an evaluation or
2112 examination or receiving treatment as authorized pursuant to
2113 this section, no child ~~alleged to be or found to be a child from~~
2114 ~~a family in need of services or a child in need of services~~
2115 shall be placed in a detention facility or other program used
2116 primarily for the care and custody of children alleged or found
2117 to have committed delinquent acts.

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2118 (11) The parents, legal guardian, or custodian ~~guardian~~ of
2119 a child alleged to be or adjudicated a child in need of services
2120 remain financially responsible for the cost of medical treatment
2121 provided to the child even if one or both of the parents or if
2122 the legal guardian, or custodian did not consent to the medical
2123 treatment. After a hearing, the court may order the parents,
2124 legal ~~or~~ guardian, or custodian, if found able to do so, to
2125 reimburse the department or other provider of medical services
2126 for treatment provided.

2127 (12) A judge may order a child under his or her
2128 jurisdiction to submit to substance abuse evaluation, testing,
2129 and treatment in accordance with s. 397.706 ~~Nothing in this~~
2130 ~~section alters the authority of the department to consent to~~
2131 ~~medical treatment for a child who has been committed to the~~
2132 ~~department pursuant to s. 984.22(3) and of whom the department~~
2133 ~~has become the legal custodian.~~

2134 (13) At any time after the filing of a petition for a child
2135 in need of services, when the mental or physical condition,
2136 including the blood group, of a parent, guardian, or other
2137 person requesting custody of a child is in controversy, the
2138 court may order the person to submit to a physical or mental
2139 examination by a qualified professional. The order may be made
2140 only upon good cause shown and pursuant to notice and procedures
2141 as set forth by the Florida Rules of Juvenile Procedure.

2142 Section 23. Section 984.20, Florida Statutes, is amended to
2143 read:

2144 984.20 Hearings for child in need of services ~~child in~~
2145 ~~need-of-services~~ cases.-

2146 (1) ARRAIGNMENT HEARING.-

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2147 (a) The clerk shall set a date for an arraignment hearing
2148 within a reasonable time after the date of the filing of the
2149 child in need of services petition. The court shall advise the
2150 child and the parent, legal guardian, or custodian of the right
2151 to counsel as provided in s. 984.07. ~~When a child has been taken~~
2152 ~~into custody by order of the court, an arraignment hearing shall~~
2153 ~~be held within 7 days after the date the child is taken into~~
2154 ~~eustody.~~ The hearing shall be held for the child and the parent,
2155 legal guardian, or custodian to admit, deny, or consent to
2156 findings that a child is in need of services as alleged in the
2157 petition. If the child and the parent, legal guardian, or
2158 custodian admit or consent to the findings in the petition, the
2159 court shall adjudicate the child a child in need of services and
2160 proceed as set forth in the Florida Rules of Juvenile Procedure.
2161 However, if either the child or the parent, legal guardian, or
2162 custodian denies any of the allegations of the petition, the
2163 court shall hold an adjudicatory hearing within a reasonable
2164 time after the date of the arraignment hearing ~~7 days after the~~
2165 ~~date of the arraignment hearing.~~

2166 (b) The court may grant a continuance of the arraignment
2167 hearing ~~When a child is in the custody of the parent, guardian,~~
2168 ~~or custodian, upon the filing of a petition, the clerk shall set~~
2169 ~~a date for an arraignment hearing within a reasonable time from~~
2170 ~~the date of the filing of the petition. if the child or and the~~
2171 ~~parent, legal guardian, or custodian request a continuance to~~
2172 ~~obtain an attorney and legal counsel requests a continuance. The~~
2173 ~~case shall be rescheduled for an arraignment hearing within a~~
2174 ~~reasonable period of time to allow for consultation~~ admit or
2175 ~~consent to an adjudication, the court shall proceed as set forth~~

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2176 ~~in the Florida Rules of Juvenile Procedure. However, if either~~
2177 ~~the child or the parent, guardian, or custodian denies any of~~
2178 ~~the allegations of child in need of services, the court shall~~
2179 ~~hold an adjudicatory hearing within a reasonable time from the~~
2180 ~~date of the arraignment hearing.~~

2181 (c) If at the arraignment hearing the child and the parent,
2182 legal guardian, or custodian consents or admits to the
2183 allegations in the petition and the court determines that the
2184 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(e)~~,
2185 the court shall proceed to hold a disposition hearing at the
2186 earliest practicable time that will allow for the completion of
2187 a predisposition study.

2188 (d) Failure of a person served with notice to appear at the
2189 arraignment hearing constitutes the person's consent to the
2190 child in need of services petition. The document containing the
2191 notice to respond or appear must contain, in type as large as
2192 the balance of the document, the following or substantially
2193 similar language:

2194
2195 FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING CONSTITUTES CONSENT
2196 TO THE ADJUDICATION OF THIS CHILD AS A CHILD IN NEED OF SERVICES
2197 AND MAY RESULT IN THE COURT ENTERING AN ORDER OF DISPOSITION AND
2198 PLACING THE CHILD INTO SHELTER.

2199
2200 If a person appears for the arraignment hearing and the court
2201 orders that person to appear, either physically or through
2202 audio-video communication technology, at the adjudicatory
2203 hearing for the child in need of services case, stating the
2204 date, time, place, and, if applicable, the instructions for

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2205 appearance through audio-video communication technology, of the
2206 adjudicatory hearing, then that person's failure to appear for
2207 the scheduled adjudicatory hearing constitutes consent to a
2208 child in need of services adjudication.

2209 (2) ADJUDICATORY HEARING.—

2210 (a) The adjudicatory hearing shall be held as soon as
2211 practicable after the petition for a child in need of services
2212 is filed and in accordance with the Florida Rules of Juvenile
2213 Procedure, but reasonable delay for the purpose of
2214 investigation, discovery, or procuring counsel or witnesses
2215 shall, whenever practicable, be granted. ~~If the child is in~~
2216 ~~custody, the adjudicatory hearing shall be held within 14 days~~
2217 ~~after the date the child was taken into custody.~~

2218 (b) Adjudicatory hearings shall be conducted by the judge
2219 without a jury, applying the rules of evidence in use in civil
2220 cases and adjourning the hearings from time to time as
2221 necessary. In an adjudicatory a hearing on a petition in which
2222 ~~it is alleged that the child is a child in need of services~~, a
2223 preponderance of evidence shall be required to establish that
2224 the child is in need of services. If the court finds the
2225 allegations are proven by a preponderance of evidence and the
2226 child is a child in need of services, the court shall enter an
2227 order of adjudication.

2228 (c) All hearings, except as hereinafter provided, shall be
2229 open to the public, and no person shall be excluded therefrom
2230 except on special order of the judge who, in his or her
2231 discretion, may close any hearing to the public when the public
2232 interest or the welfare of the child, in his or her opinion, is
2233 best served by so doing. Hearings involving more than one child

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2234 may be held simultaneously when the several children involved
2235 are related to each other or were involved in the same case. The
2236 child and the parent, guardian, or custodian of the child may be
2237 examined separately and apart from each other.

2238 (3) DISPOSITION HEARING.—

2239 (a) At the disposition hearing, ~~if the court finds that the~~
2240 ~~facts alleged in the petition of a child in need of services~~
2241 ~~were proven in the adjudicatory hearing,~~ the court shall receive
2242 and consider a predisposition study, which shall be in writing
2243 and be presented by an authorized agent of the department or its
2244 provider.

2245 ~~(a)~~ The predisposition study shall cover:

2246 1. All treatment and services that the parent, legal
2247 guardian, or custodian and child received.

2248 2. The love, affection, and other emotional ties existing
2249 between the family ~~parents~~ and the child.

2250 3. The capacity and disposition of the parents, legal
2251 guardian, or custodian to provide the child with food, clothing,
2252 medical care or other remedial care recognized and permitted
2253 under the laws of this state in lieu of medical care, and other
2254 material needs.

2255 4. The length of time that the child has lived in a stable,
2256 satisfactory environment and the desirability of maintaining
2257 continuity.

2258 5. The permanence, as a family unit, of the existing or
2259 proposed custodial home.

2260 6. The moral fitness of the parents, legal guardian, or
2261 custodian.

2262 7. The mental and physical health of the family.

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- 2263 8. The home, school, and community record of the child.
- 2264 9. The reasonable preference of the child, if the court
2265 deems the child to be of sufficient intelligence, understanding,
2266 and experience to express a preference.
- 2267 10. Any other factor considered by the court to be
2268 relevant.
- 2269 (b) The predisposition study also shall provide the court
2270 with documentation regarding:
- 2271 1. The availability of appropriate prevention, services,
2272 and treatment for the parent, legal guardian, custodian, and
2273 child to prevent the removal of the child from the home or to
2274 reunify the child with the parent, legal guardian, or custodian
2275 after removal or to reconcile the problems between the family
2276 ~~parent, guardian, or custodian~~ and the child.†
- 2277 2. The inappropriateness of other prevention, treatment,
2278 and services that were available.†
- 2279 3. The efforts by the department to prevent shelter out-of-
2280 ~~home~~ placement of the child or, when applicable, to reunify the
2281 parent, legal guardian, or custodian if appropriate services
2282 were available.†
- 2283 4. Whether voluntary family ~~the~~ services were provided.†
- 2284 5. If the voluntary family services and treatment were
2285 provided, whether they were sufficient to meet the needs of the
2286 child and the family and to enable the child to remain at home
2287 or to be returned home.†
- 2288 6. If the voluntary family services and treatment were not
2289 provided, the reasons for such lack of provision.†~~and~~
- 2290 7. The need for, or appropriateness of, continuing such
2291 treatment and services if the child remains in the custody of

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2292 the parent, guardian, or custodian or if the child is placed
2293 outside the home.

2294 (c) If placement of the child with anyone other than the
2295 child's parent, guardian, or custodian is being considered, the
2296 study shall include the designation of a specific length of time
2297 as to when custody by the parent, guardian, or custodian shall
2298 be reconsidered.

2299 (d) A copy of this predisposition study shall be furnished
2300 to the person having custody of the child at the time such
2301 person is notified of the disposition hearing.

2302 (e) After review of the predisposition study and other
2303 relevant materials, the court shall hear from the parties and
2304 consider all recommendations for court-ordered services,
2305 evaluations, treatment and required actions designed to remedy
2306 the child's truancy, ungovernable behavior, or running away. The
2307 court shall enter an order of disposition.

2308
2309 Any other relevant and material evidence, including other
2310 written or oral reports, may be received by the court in its
2311 effort to determine the action to be taken with regard to the
2312 child and may be relied upon to the extent of its probative
2313 value, even though not competent in an adjudicatory hearing.
2314 Except as provided in paragraph (2) (c), ~~nothing in~~ this section
2315 does not shall prohibit the publication of proceedings in a
2316 hearing.

2317 (4) REVIEW HEARINGS.—

2318 (a) The court shall hold a review hearing within 45 days
2319 after the disposition hearing. Additional review hearings may be
2320 held as necessary, allowing sufficient time for the child and

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2321 family to work toward compliance with the court orders and
2322 monitoring by the case manager. No longer than 90 days may
2323 elapse between judicial review hearings ~~but no less than 45 days~~
2324 ~~after the date of the last review hearing.~~

2325 (b) The parent, legal guardian, or custodian and the child
2326 shall be noticed to appear for the review hearing. The
2327 department shall appear at the review hearing. If the child or
2328 parent, legal guardian, or custodian does not appear at a review
2329 hearing, the court may proceed with the hearing and enter orders
2330 that affect the child and family accordingly. The child's
2331 presence may be waived by the court if the court finds good
2332 cause to do so.

2333 (c) ~~(b)~~ At the review hearings, the court shall consider the
2334 department's judicial review summary. The court shall close the
2335 case if the child has substantially complied with the case plans
2336 and court orders and no longer requires continued court
2337 supervision, subject to the case being reopened. Upon request of
2338 the petitioner, the court may close the case and relinquish
2339 jurisdiction. If the child has significantly failed to comply
2340 with the case plan or court orders, the child shall continue to
2341 be a child in need of services and reviewed by the court as
2342 needed. At review hearings, the court may enter further orders
2343 to adjust the services case plan to address the family needs and
2344 compliance with court orders, including, but not limited to,
2345 ordering the child placed in shelter, ~~but no less than 45 days~~
2346 ~~after the date of the last review hearing.~~

2347 Section 24. Section 984.21, Florida Statutes, is amended to
2348 read:

2349 984.21 Orders of adjudication.—

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2350 (1)~~(4)~~ An order of adjudication by a court that a child is
2351 a child in need of services is a civil adjudication, and is
2352 ~~services shall~~ not be deemed a conviction, nor shall the child
2353 be deemed to have been found guilty or to be a delinquent or
2354 criminal by reason of ~~that~~ adjudication, nor shall that
2355 adjudication operate to impose upon the child any of the civil
2356 disabilities ordinarily imposed by or resulting from conviction
2357 or disqualify or prejudice the child in any civil service
2358 application or appointment.

2359 (2)~~(1)~~ If the court finds that the child named in a
2360 petition is not a child in need of services, it shall enter an
2361 order so finding and dismiss ~~dismissing~~ the case.

2362 ~~(2) If the court finds that the child named in the petition~~
2363 ~~is a child in need of services, but finds that no action other~~
2364 ~~than supervision in the home is required, it may enter an order~~
2365 ~~briefly stating the facts upon which its finding is based, but~~
2366 ~~withholding an order of adjudication and placing the child and~~
2367 ~~family under the supervision of the department. If the court~~
2368 ~~later finds that the parent, guardian, or custodian of the child~~
2369 ~~have not complied with the conditions of supervision imposed,~~
2370 ~~the court may, after a hearing to establish the noncompliance,~~
2371 ~~but without further evidence of the state of the child in need~~
2372 ~~of services, enter an order of adjudication and shall thereafter~~
2373 ~~have full authority under this chapter to provide for the child~~
2374 ~~as adjudicated.~~

2375 (3) If the court finds by a preponderance of evidence that
2376 the child named in a petition is a child in need of services,
2377 ~~but elects not to proceed under subsection (2),~~ it shall
2378 incorporate that finding in an order of adjudication entered in

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2379 the case, briefly stating the facts upon which the finding is
2380 made, and the court shall thereafter have full authority under
2381 this chapter to provide for the child as adjudicated.

2382 Section 25. Section 984.22, Florida Statutes, is amended to
2383 read:

2384 984.22 Powers of disposition.—

2385 (1) If the court finds that services and treatment have not
2386 been provided or used ~~utilized~~ by a child or family, the court
2387 having jurisdiction of the child in need of services shall have
2388 the power to direct the least intrusive and least restrictive
2389 disposition, as follows:

2390 (a) Order the parent, legal guardian, or custodian and the
2391 child to participate in treatment, services, and any other
2392 alternative identified as necessary.

2393 (b) Order the parent, legal guardian, or custodian to pay a
2394 fine or fee based on the recommendations of the department.

2395 (2) When any child is adjudicated by the court to be a
2396 child in need of services, the court having jurisdiction of the
2397 child and parent, legal guardian, or custodian shall have the
2398 power, by order, to:

2399 (a) Place the child under the supervision of the
2400 department's designated services ~~contracted~~ provider of programs
2401 and services for children in need of services and families in
2402 need of services. "Supervision," for the purposes of this
2403 section, means services as defined by the contract between the
2404 department and the provider.

2405 (b) Place the child in the temporary legal custody of an
2406 adult willing to care for the child.

2407 (c) Commit the child to a licensed child-caring agency

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2408 willing to receive the child and to provide services without
2409 compensation from the department.

2410 (d) Order the child, and, if the court finds it
2411 appropriate, the parent, legal guardian, or custodian of the
2412 child, to render community service in a public service program.

2413 (e) Order the child placed in shelter pursuant to s.
2414 984.225 or s. 984.226.

2415 (3) When any child is adjudicated by the court to be a
2416 child in need of services and temporary legal custody of the
2417 child has been placed with an adult willing to care for the
2418 child, or a licensed child-caring agency, ~~the Department of~~
2419 ~~Juvenile Justice, or the Department of Children and Families,~~
2420 the court shall order the natural or adoptive parents of such
2421 child, including the natural father of such child born out of
2422 wedlock who has acknowledged his paternity in writing before the
2423 court, or the guardian of such child's estate if possessed of
2424 assets which under law may be disbursed for the care, support,
2425 and maintenance of such child, to pay child support to the adult
2426 relative caring for the child, the licensed child-caring agency,
2427 the department ~~of Juvenile Justice,~~ or the Department of
2428 Children and Families. When such order affects the guardianship
2429 estate, a certified copy of such order shall be delivered to the
2430 judge having jurisdiction of such guardianship estate. If the
2431 court determines that the parent is unable to pay support,
2432 placement of the child shall not be contingent upon issuance of
2433 a support order. The department may employ a collection agency
2434 to receive, collect, and manage ~~for the purpose of receiving,~~
2435 ~~collecting, and managing~~ the payment of unpaid and delinquent
2436 fees. The collection agency must be registered and in good

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2437 standing under chapter 559. The department may pay to the
2438 collection agency a fee from the amount collected under the
2439 claim or may authorize the agency to deduct the fee from the
2440 amount collected.

2441 ~~(4) All payments of fees made to the department under this~~
2442 ~~chapter, or child support payments made to the department~~
2443 ~~pursuant to subsection (3), shall be deposited in the General~~
2444 ~~Revenue Fund.~~

2445 (4)(5) In carrying out the provisions of this chapter, the
2446 court shall order the child, family, parent, legal guardian, or
2447 custodian of a child who is found to be a child in need of
2448 services to participate in family counseling and other
2449 professional counseling activities or other alternatives deemed
2450 necessary to address the needs ~~for the rehabilitation~~ of the
2451 child and family.

2452 (5)(6) The participation and cooperation of the family,
2453 parent, legal guardian, or custodian, and the child with court-
2454 ordered services, treatment, or community service are mandatory,
2455 not merely voluntary. The court may use its contempt powers to
2456 enforce its orders ~~order~~.

2457 Section 26. Section 984.225, Florida Statutes, is amended
2458 to read:

2459 984.225 Powers of disposition; placement in a staff-secure
2460 shelter.—

2461 (1) ~~Subject to specific legislative appropriation,~~ The
2462 court may order that a child adjudicated as a child in need of
2463 services be placed in shelter for the purpose of enforcement of
2464 the court's orders, to ensure the child attends school, to
2465 ensure the child receives needed counseling, and to ensure the

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2466 child adheres to a service plan. While a child is in a shelter,
2467 the child shall receive education commensurate with his or her
2468 grade level and educational ability. The department, or the
2469 department's authorized services provider, must verify to the
2470 court that a shelter bed is available for the child. If the
2471 department or the department's authorized representative
2472 verifies that a bed is not available, the department shall place
2473 the child's name on a waiting list. The child who has been on
2474 the waiting list the longest shall get the next available bed.
2475 ~~for up to 90 days in a staff-secure shelter if:~~

2476 (2) The court shall order the parent, legal guardian, or
2477 custodian to cooperate with efforts to reunite the child with
2478 the family and participate in counseling. If a parent, legal
2479 guardian, or custodian prefers to arrange counseling or other
2480 services with a private provider in lieu of using services
2481 provided by the department, the family shall pay all costs
2482 associated with those services.

2483 (3) Placement of a child under this section is designed to
2484 provide residential care on a temporary basis. Such placement
2485 does not abrogate the legal responsibilities of the parent,
2486 legal guardian, or custodian with respect to the child, except
2487 to the extent that those responsibilities are temporarily
2488 altered by court order.

2489 (a) The court may order any child adjudicated a child in
2490 need of services to be placed in shelter for up to 35 days.

2491 (b) After other alternative, less restrictive remedies have
2492 been exhausted, the child may be placed in shelter for up to 90
2493 days if:

2494 1. ~~(a)~~ The child's parent, legal guardian, or legal

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2495 custodian refuses to provide food, clothing, shelter, and
2496 necessary parental support for the child and the refusal is a
2497 direct result of an established pattern of significant
2498 disruptive behavior of the child in the home of the parent,
2499 legal guardian, or legal ~~legal~~ custodian;

2500 2.~~(b)~~ The child refuses to remain under the reasonable care
2501 and custody of the ~~his or her~~ parent, legal guardian, or ~~legal~~
2502 custodian, as evidenced by repeatedly running away and failing
2503 to comply with a court order; or

2504 3.~~(c)~~ The child has failed to successfully complete an
2505 alternative treatment program or to comply with a court-ordered
2506 services sanction and the child has been placed in a shelter
2507 ~~residential program~~ on at least one prior occasion pursuant to a
2508 court order after the child has been adjudicated a child in need
2509 of services under this chapter.

2510 (4) The court shall review the child's 90-day shelter
2511 placement not less than every 45 days to determine if continued
2512 shelter is deemed necessary. The court also shall determine
2513 whether the parent, legal guardian, or custodian has reasonably
2514 participated in the child's counseling and treatment program and
2515 is following the recommendations of the program to work toward
2516 reunification. The court shall also determine whether the
2517 department's efforts to reunite the family have been reasonable.
2518 If the court finds an inadequate level of support or
2519 participation by the parent, legal guardian, or custodian before
2520 the end of the shelter commitment period, the court shall direct
2521 that the child be handled in every respect as a dependent child.
2522 Jurisdiction shall be transferred to the Department of Children
2523 and Families, and the child's care shall be governed under the

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2524 relevant provisions of chapter 39. The department shall notify
2525 and coordinate with the Department of Children and Families for
2526 the transfer of jurisdiction. The clerk of the circuit court
2527 shall serve the Department of Children and Families with any
2528 court order of referral.

2529 ~~(2) This section applies after other alternative, less-~~
2530 ~~restrictive remedies have been exhausted. The court may order~~
2531 ~~that a child be placed in a staff-secure shelter. The~~
2532 ~~department, or an authorized representative of the department,~~
2533 ~~must verify to the court that a bed is available for the child.~~
2534 ~~If the department or an authorized representative of the~~
2535 ~~department verifies that a bed is not available, the department~~
2536 ~~will place the child's name on a waiting list. The child who has~~
2537 ~~been on the waiting list the longest will get the next available~~
2538 ~~bed.~~

2539 ~~(3) The court shall order the parent, guardian, or legal~~
2540 ~~custodian to cooperate with efforts to reunite the child with~~
2541 ~~the family, participate in counseling, and pay all costs~~
2542 ~~associated with the care and counseling provided to the child~~
2543 ~~and family, in accordance with the family's ability to pay as~~
2544 ~~determined by the court. Commitment of a child under this~~
2545 ~~section is designed to provide residential care on a temporary~~
2546 ~~basis. Such commitment does not abrogate the legal~~
2547 ~~responsibilities of the parent, guardian, or legal custodian~~
2548 ~~with respect to the child, except to the extent that those~~
2549 ~~responsibilities are temporarily altered by court order.~~

2550 ~~(4) While a child is in a staff-secure shelter, the child~~
2551 ~~shall receive education commensurate with his or her grade level~~
2552 ~~and educational ability.~~

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2553 (5) If a child has not been reunited with his or her
2554 parent, legal guardian, or ~~legal~~ custodian at the expiration of
2555 the 90-day commitment period, the court may order that the child
2556 remain in the staff-secure shelter for an additional 30 days if
2557 the court finds that reunification could be achieved within that
2558 period.

2559 ~~(6)~~ The department is deemed to have exhausted the
2560 reasonable remedies offered under this chapter if, at the end of
2561 the 90-day shelter ~~commitment~~ period, the parent, legal
2562 guardian, or ~~legal~~ custodian continues to refuse to allow the
2563 child to remain at home or creates unreasonable conditions for
2564 the child's return. If, at the end of the 90-day shelter
2565 ~~commitment~~ period, the child is not reunited with his or her
2566 parent, legal guardian, or custodian due solely to the continued
2567 refusal of the parent, legal guardian, or custodian to provide
2568 food, clothing, shelter, and parental support, the child is
2569 considered to be threatened with harm as a result of such acts
2570 or omissions, and the court shall direct that the child be
2571 handled in every respect as a dependent child. Jurisdiction
2572 shall be transferred to the custody of the Department of
2573 Children and Families, and the child's care shall be governed
2574 under the relevant provisions of chapter 39. The department
2575 shall coordinate with the Department of Children and Families as
2576 provided in s. 984.086. The clerk of the circuit court shall
2577 serve the Department of Children and Families with any court
2578 order of referral.

2579 ~~(7)~~ ~~The court shall review the child's commitment once~~
2580 ~~every 45 days as provided in s. 984.20. The court shall~~
2581 ~~determine whether the parent, guardian, or custodian has~~

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2582 ~~reasonably participated in and financially contributed to the~~
2583 ~~child's counseling and treatment program. The court shall also~~
2584 ~~determine whether the department's efforts to reunite the family~~
2585 ~~have been reasonable. If the court finds an inadequate level of~~
2586 ~~support or participation by the parent, guardian, or custodian~~
2587 ~~prior to the end of the commitment period, the court shall~~
2588 ~~direct that the child be handled in every respect as a dependent~~
2589 ~~child. Jurisdiction shall be transferred to the Department of~~
2590 ~~Children and Families, and the child's care shall be governed~~
2591 ~~under the relevant provisions of chapter 39.~~

2592 ~~(6)(8)~~ If the child requires residential mental health
2593 treatment or residential care for a developmental disability,
2594 the court shall order that ~~refer~~ the child be transferred to the
2595 custody of the Agency for Persons with Disabilities or to the
2596 Department of Children and Families for the provision of
2597 necessary services. The clerk of the circuit court shall serve
2598 the Agency for Persons with Disabilities or the Department of
2599 Children and Families with any court order of referral.

2600 Section 27. Section 984.226, Florida Statutes, is amended
2601 to read:

2602 984.226 Physically secure setting.-

2603 (1) Subject to specific legislative appropriation, the
2604 department ~~of Juvenile Justice~~ shall establish or contract for
2605 physically secure settings designated exclusively for the
2606 shelter placement of children in need of services who meet the
2607 criteria provided in this section.

2608 ~~(2) When a petition is filed alleging that a child is a~~
2609 ~~child in need of services, the child must be represented by~~
2610 ~~counsel at each court appearance unless the record in that~~

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2611 ~~proceeding affirmatively demonstrates by clear and convincing~~
2612 ~~evidence that the child knowingly and intelligently waived the~~
2613 ~~right to counsel after being fully advised by the court of the~~
2614 ~~nature of the proceedings and the dispositional alternatives~~
2615 ~~available to the court under this section. If the court decides~~
2616 ~~to appoint counsel for the child and if the child is indigent,~~
2617 ~~the court shall appoint an attorney to represent the child as~~
2618 ~~provided under s. 985.033. Nothing precludes the court from~~
2619 ~~requesting reimbursement of attorney's fees and costs from the~~
2620 ~~nonindigent parent or legal guardian.~~

2621 ~~(2)(3)~~ When a child is adjudicated as a child in need of
2622 services by a court and all other less restrictive placements
2623 have been exhausted, the court may order the child to be placed
2624 in a physically secure shelter ~~setting authorized in this~~
2625 ~~section~~ if the child has:

2626 (a) Failed to appear for placement in a ~~staff-secure~~
2627 shelter for up to 90 days, as ordered under s. 984.225, or
2628 failed to comply with any other provision of a valid court order
2629 relating to such placement and, as a result of such failure, has
2630 been found to be in direct or indirect contempt of court; or

2631 (b) Run away from a 90-day ~~staff-secure~~ shelter following
2632 placement under s. 984.225 ~~or s. 984.09~~.

2633
2634 The department or an authorized representative of the department
2635 must verify to the court that a physically secure bed is
2636 available for the child. If a bed is not available, the court
2637 must stay the placement until a physically secure bed is
2638 available, and the department must place the child's name on a
2639 waiting list. The child who has been on the waiting list the

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2640 longest has first priority for placement in the physically
2641 secure shelter. It is the intent of the Legislature that
2642 physically secure shelter placement be used only when the child
2643 cannot receive appropriate and available services due to the
2644 child running away or refusing to cooperate with attempts to
2645 provide services in other less restrictive placements ~~setting~~.

2646 ~~(3)(4)~~ A child may be placed in a physically secure setting
2647 for up to 90 days by order of the court. If a child has not been
2648 reunited with his or her parent, guardian, or legal custodian at
2649 the expiration of the placement in a physically secure setting,
2650 the court may order that the child remain in the physically
2651 secure setting for an additional 30 days if the court finds that
2652 reunification could be achieved within that period.

2653 ~~(4)(5)~~(a) The court shall review the child's placement once
2654 within every 45 days to determine if the child can be returned
2655 home with the provision of ongoing services ~~as provided in s.~~
2656 ~~984.20~~.

2657 (b) At any time during the placement of a child in need of
2658 ~~services~~ in a physically secure setting, the department or an
2659 authorized representative of the department may submit to the
2660 court a report that recommends:

2661 1. That the child has received all of the services
2662 available from the physically secure setting and is ready for
2663 reunification with a parent or guardian; or

2664 2. That the child is unlikely to benefit from continued
2665 placement in the physically secure setting and is more likely to
2666 have his or her needs met in a different type of placement. The
2667 court may order that the child be transitioned from a physically
2668 secure shelter setting to a shelter placement as provided in s.

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2669 984.225 upon a finding that the physically secure setting is no
2670 longer necessary to ensure the child's safety and provide needed
2671 services.

2672 (c) The court shall determine if the parent, legal
2673 guardian, or custodian has reasonably participated in and has
2674 ~~financially~~ contributed to or participated in the child's
2675 counseling and treatment program.

2676 (d) If the court finds an inadequate level of support or
2677 participation by the parent, legal guardian, or custodian before
2678 the end of the placement, the court shall direct that the child
2679 be handled as a dependent child, jurisdiction shall be
2680 transferred to the Department of Children and Families, and the
2681 child's care shall be governed by chapter 39. The department
2682 shall notify and coordinate with the Department of Children and
2683 Families to ensure provision of services to the child. The clerk
2684 of the circuit court shall serve the Department of Children and
2685 Families with any court order of referral.

2686 (e) If the child requires long-term residential mental
2687 health treatment or residential care for a developmental
2688 disability, the court shall transfer custody of ~~refer~~ the child
2689 to the Department of Children and Families or the Agency for
2690 Persons with Disabilities for the provision of necessary
2691 services. The clerk of the circuit court shall serve the Agency
2692 for Persons with Disabilities or the Department of Children and
2693 Families with any court order of referral.

2694 ~~(5)(6)~~ Before ~~prior to~~ being ordered to a physically secure
2695 shelter setting, the child must be afforded all rights of due
2696 process required under s. 984.07 ~~985.037~~.

2697 (6) While in the physically secure shelter setting, the

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2698 child shall receive appropriate assessment, intervention,
2699 treatment, and educational services that are designed to
2700 eliminate or reduce the child's truant, ungovernable, or runaway
2701 behavior. The child and family shall be provided with individual
2702 and family counseling and other support services necessary for
2703 reunification.

2704 (7) The court shall order the parent, legal guardian, or
2705 ~~legal~~ custodian to cooperate with efforts to reunite the child
2706 with the family, participate in counseling, and pay all costs
2707 associated with the care and counseling provided to the child
2708 and family, in accordance with the child's insurance and the
2709 family's ability to pay as determined by the court. Placement of
2710 a child under this section is designed to provide residential
2711 care on a temporary basis. Such placement does not abrogate the
2712 legal responsibilities of the parent, legal guardian, or ~~legal~~
2713 custodian with respect to the child, except to the extent that
2714 those responsibilities are temporarily altered by court order.

2715 Section 28. Section 985.731, Florida Statutes, is
2716 transferred and renumbered as section 787.035, Florida Statutes.

2717 Section 29. Subsection (9) of section 985.03, Florida
2718 Statutes, is amended to read:

2719 985.03 Definitions.—As used in this chapter, the term:

2720 (9) "Child who has been found to have committed a
2721 delinquent act" means a child who, under this chapter, is found
2722 by a court to have committed a violation of law or to be in
2723 direct or indirect contempt of court, except that this
2724 definition does not include an act constituting contempt of
2725 court arising out of a ~~dependency~~ proceeding under chapter 984
2726 ~~or a proceeding concerning a child or family in need of~~

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2727 ~~services.~~

2728 Section 30. Subsection (4) of section 985.24, Florida
2729 Statutes, is amended to read:

2730 985.24 Use of detention; prohibitions.—

2731 (4) A child who is alleged to be dependent under chapter
2732 39, or any child subject to proceedings under chapter 984, ~~but~~
2733 who is not alleged to have committed a delinquent act or
2734 violation of law, may not, under any circumstances, be placed
2735 into secure detention care.

2736 Section 31. Section 1003.26, Florida Statutes, is amended
2737 to read:

2738 1003.26 Enforcement of school attendance.—The Legislature
2739 finds that poor academic performance is associated with
2740 nonattendance and that school districts must take an active role
2741 in promoting and enforcing attendance as a means of improving
2742 student performance. It is the policy of the state that each
2743 district school superintendent be responsible for enforcing
2744 school attendance of all students subject to the compulsory
2745 school age in the school district and supporting enforcement of
2746 school attendance by local law enforcement agencies. The
2747 responsibility includes recommending policies and procedures to
2748 the district school board that require public schools to respond
2749 in a timely manner to every unexcused absence, and every absence
2750 for which the reason is unknown, of students enrolled in the
2751 schools. District school board policies shall require the parent
2752 of a student to justify each absence of the student, and that
2753 justification will be evaluated based on adopted district school
2754 board policies that define excused and unexcused absences. The
2755 policies must provide that public schools track excused and

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2756 unexcused absences and contact the home in the case of an
2757 unexcused absence from school, or an absence from school for
2758 which the reason is unknown, to prevent the development of
2759 patterns of nonattendance. The Legislature finds that early
2760 intervention in school attendance is the most effective way of
2761 producing good attendance habits that will lead to improved
2762 student learning and achievement. Each public school shall
2763 implement the following steps to promote and enforce regular
2764 school attendance:

2765 (1) CONTACT, REFER, AND ENFORCE.—

2766 (a) Upon each unexcused absence, or absence for which the
2767 reason is unknown, the school principal or his or her designee
2768 must ~~shall~~ contact the student's parent to determine the reason
2769 for the absence. If the absence is an excused absence, as
2770 defined by district school board policy, the school must ~~shall~~
2771 provide opportunities for the student to make up assigned work
2772 and not receive an academic penalty unless the work is not made
2773 up within a reasonable time.

2774 (b) If a student has had at least five unexcused absences,
2775 or absences for which the reasons are unknown, within a calendar
2776 month or 10 unexcused absences, or absences for which the
2777 reasons are unknown, within a 90-calendar-day period, the
2778 student's primary teacher must ~~shall~~ report to the school
2779 principal or his or her designee that the student may be
2780 exhibiting a pattern of nonattendance. ~~The principal shall,~~
2781 Unless there is clear evidence that the absences are not a
2782 pattern of nonattendance, the principal must refer the case to
2783 the school's child study team to determine if early patterns of
2784 truancy are developing. If the child study team finds that a

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2785 pattern of nonattendance is developing, whether the absences are
2786 excused or not, a meeting with the parent must be scheduled to
2787 identify potential remedies, and the principal must ~~shall~~ notify
2788 the district school superintendent and the school district
2789 contact for home education programs that the referred student is
2790 exhibiting a pattern of nonattendance. The child study team may
2791 allow the parent to attend the meeting virtually or by telephone
2792 if the parent is unable to attend the meeting in person.

2793 (c) If the parent, legal guardian, or custodian or child
2794 fails to attend the child study team meeting, the meeting shall
2795 be held in his or her absence, and the child study team shall
2796 make written recommendations to remediate the truancy, based
2797 upon the information available to the school. The
2798 recommendations shall be provided to the parent within 7 days
2799 after the child study team meeting. If the ~~an~~ initial meeting
2800 does not resolve the problem, the child study team shall
2801 implement the following:

2802 1. Frequent attempts at communication between the teacher
2803 and the family.

2804 2. Attempt to determine the reasons the child is truant
2805 from school and provide remedies if available or refer the
2806 family to services, including referring the family for available
2807 scholarship options if bullying is an issue of concern.

2808 3.2. Evaluation for alternative education programs.

2809 4.3. Attendance contracts.

2810
2811 The child study team may, but is not required to, implement
2812 other interventions, including referral to the Department of
2813 Juvenile Justice's designated provider for voluntary family

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2814 services, or to other agencies for family services or recommend
2815 ~~recommendation for~~ filing a truancy petition pursuant to s.
2816 984.151.

2817 (d) The child study team must ~~shall~~ be diligent in
2818 facilitating intervention services and shall report the case to
2819 the district school superintendent only when all reasonable
2820 efforts to resolve the nonattendance behavior are exhausted.

2821 (e) If the parent refuses to participate in the remedial
2822 strategies because he or she believes that those strategies are
2823 unnecessary or inappropriate, the parent may appeal to the
2824 district school board. The district school board may provide a
2825 hearing officer, and the hearing officer shall make a
2826 recommendation for final action to the district school board. If
2827 the district school board's final determination is that the
2828 strategies of the child study team are appropriate, and the
2829 parent still refuses to participate or cooperate, the district
2830 school superintendent may seek criminal prosecution for
2831 noncompliance with compulsory school attendance.

2832 (f)1. If the parent of a child who has been identified as
2833 exhibiting a pattern of nonattendance enrolls the child in a
2834 home education program pursuant to chapter 1002, the district
2835 school superintendent shall provide the parent a copy of s.
2836 1002.41 and the accountability requirements of this paragraph.
2837 The district school superintendent shall also refer the parent
2838 to a home education review committee composed of the district
2839 contact for home education programs and at least two home
2840 educators selected by the parent from a district list of all
2841 home educators who have conducted a home education program for
2842 at least 3 years and who have indicated a willingness to serve

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2843 on the committee. The home education review committee shall
2844 review the portfolio of the student, as defined by s. 1002.41,
2845 every 30 days during the district's regular school terms until
2846 the committee is satisfied that the home education program is in
2847 compliance with s. 1002.41(1)(d). The first portfolio review
2848 must occur within the first 30 calendar days after ~~of~~ the
2849 establishment of the program. The provisions of subparagraph 2.
2850 do not apply once the committee determines the home education
2851 program is in compliance with s. 1002.41(1)(d).

2852 2. If the parent fails to provide a portfolio to the
2853 committee, the committee shall notify the district school
2854 superintendent. The district school superintendent shall then
2855 terminate the home education program and require the parent to
2856 enroll the child in an attendance option that meets the
2857 definition of "regular school attendance" under s.
2858 1003.01(16)(a), (b), (c), or (e), within 3 days. Upon
2859 termination of a home education program pursuant to this
2860 subparagraph, the parent shall not be eligible to reenroll the
2861 child in a home education program for 180 calendar days. Failure
2862 of a parent to enroll the child in an attendance option as
2863 required by this subparagraph after termination of the home
2864 education program pursuant to this subparagraph shall constitute
2865 noncompliance with the compulsory attendance requirements of s.
2866 1003.21 and may result in criminal prosecution under s.
2867 1003.27(2). Nothing contained herein shall restrict the ability
2868 of the district school superintendent, or the ability of his or
2869 her designee, to review the portfolio pursuant to s.
2870 1002.41(1)(e).

2871 (g) If a student subject to compulsory school attendance

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2872 will not comply with attempts to enforce school attendance, the
2873 parent or the district school superintendent or his or her
2874 designee must ~~shall~~ refer the case to the Department of Juvenile
2875 Justice's designated service provider, which shall then offer
2876 voluntary family services, and schedule a meeting of the case
2877 staffing committee pursuant to s. 984.12 if the services do not
2878 remediate the child's truancy, and the district school
2879 superintendent or his or her designee may file a truancy
2880 petition pursuant to the procedures in s. 984.151.

2881 (2) GIVE WRITTEN NOTICE.—

2882 (a) Under the direction of the district school
2883 superintendent, a designated school representative must provide
2884 ~~shall give~~ written notice in person or by return-receipt mail to
2885 the parent, legal guardian, or custodian, requiring the child's
2886 ~~that requires~~ enrollment or attendance within 3 days after the
2887 date of notice, ~~in person or by return-receipt mail, to the~~
2888 ~~parent~~ when no valid reason is found for a student's
2889 nonenrollment in school if the child is under compulsory
2890 education requirements, and is not exempt. If the child is not
2891 enrolled or in attendance in school within 3 days after the
2892 notice being provided and requirement are ignored, the
2893 designated school representative must ~~shall~~ report the case to
2894 the district school superintendent, who must ~~may~~ refer the case
2895 to the child study team in paragraph (1)(b) at the school the
2896 student would be assigned according to district school board
2897 attendance area policies. In addition, the designated school
2898 representative may refer the case to the Department of Juvenile
2899 Justice's designated service provider for families in need of
2900 services ~~or to the case staffing committee, established pursuant~~

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2901 ~~to s. 984.12.~~ The child study team must ~~shall~~ diligently
2902 facilitate intervention services and ~~shall~~ report the case back
2903 to the district school superintendent within 15 days after
2904 receiving the case if ~~only when all~~ reasonable efforts to
2905 resolve the nonenrollment behavior have been made, and the child
2906 is still not attending school ~~are exhausted~~. If the parent ~~still~~
2907 refuses to cooperate or enroll the child in school within 15
2908 days after the case having been referred to the child study
2909 team, the district school superintendent must make a report to
2910 law enforcement and refer the case to the Office of the State
2911 Attorney ~~shall take such steps as are necessary~~ to bring
2912 criminal prosecution against the parent.

2913 (b) Subsequent to referring the case to the Office of the
2914 State Attorney ~~the activities required under subsection (1)~~, the
2915 district school superintendent or his or her designee must ~~shall~~
2916 give written notice in person or by return-receipt mail to the
2917 parent that criminal prosecution is being sought for
2918 nonattendance. The district school superintendent may file a
2919 truancy petition, as defined in s. 984.03, following the
2920 procedures outlined in s. 984.151.

2921 (3) RETURN STUDENT TO PARENT.— A designated school
2922 representative may visit the home or place of residence of a
2923 student and any other place in which he or she is likely to find
2924 any student who is required to attend school when the student is
2925 not enrolled or is absent from school during school hours
2926 without an excuse, and, when the student is found, shall return
2927 the student to his or her parent, legal guardian, custodian, or
2928 to the principal or teacher in charge of the school, or to the
2929 private tutor from whom absent. If the parent, legal guardian,

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2930 or custodian cannot be located or is unavailable to take custody
 2931 of the child and the child is not to be presented to the child's
 2932 school or tutor, the child must be referred to the Department of
 2933 Juvenile Justice's designated shelter services provider, or to
 2934 another facility, ~~or to the juvenile assessment center or other~~
 2935 ~~location~~ established by the district school board to receive
 2936 students who are absent from school. Upon receipt of the
 2937 student, the parent shall be immediately notified.

2938 (4) REPORT TO APPROPRIATE AUTHORITY.—A designated school
 2939 representative shall report to the appropriate authority
 2940 designated by law to receive such notices, all violations of the
 2941 Child Labor Law that may come to his or her knowledge.

2942 (5) RIGHT TO INSPECT.—A designated school representative
 2943 shall have the right of access to, and inspection of,
 2944 establishments where minors may be employed or detained only for
 2945 the purpose of ascertaining whether students of compulsory
 2946 school age are actually employed there and are actually working
 2947 there regularly. The designated school representative shall, if
 2948 he or she finds unsatisfactory working conditions or violations
 2949 of the Child Labor Law, report his or her findings to the
 2950 appropriate authority.

2951 Section 32. Subsections (2), (3), (4), (6), and (7) of
 2952 section 1003.27, Florida Statutes, are amended to read:

2953 1003.27 Court procedure and penalties.—The court procedure
 2954 and penalties for the enforcement of the provisions of this
 2955 part, relating to compulsory school attendance, shall be as
 2956 follows:

2957 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2958 (a) ~~In each case of nonenrollment or of nonattendance upon~~

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2959 ~~the part of a student who is required to attend some school,~~
2960 ~~when no valid reason for such nonenrollment or nonattendance is~~
2961 ~~found,~~ The district school superintendent shall institute a
2962 criminal prosecution against the student's parent, in each case
2963 of nonenrollment or of nonattendance upon the part of a student
2964 who is required to attend school, when no valid reason for the
2965 nonenrollment or nonattendance is found. ~~However,~~ Criminal
2966 prosecution may not be instituted against the student's parent
2967 until the school and school district have complied with s.
2968 1003.26.

2969 (b) Each public school principal or the principal's
2970 designee must ~~shall~~ notify the district school board of each
2971 minor student under its jurisdiction who accumulates 15
2972 unexcused absences in a period of 90 calendar days. Reports
2973 shall be made to the district school board at the end of each
2974 school quarter. The calculation of 15 absences within 90 days
2975 are determined based on calendar days and are not limited to the
2976 span of one school quarter during which the nonattendance begins
2977 or ends. The district school board shall verify the school's
2978 reporting 15 or more unexcused absences within a 90-day period
2979 has complied with the requirements of remediating truancy at the
2980 school level or pursuing appropriate court intervention, as set
2981 forth in this section. Any school not meeting the requirements
2982 in this paragraph shall provide a remedial action plan to the
2983 school board within 30 days after noncompliance, and follow up
2984 within 90 days after noncompliance to confirm all truancy cases
2985 have been addressed either through remediation efforts that
2986 achieved the child's enrollment and regular attendance or
2987 referring the case to the appropriate court or agency to pursue

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2988 court intervention.

2989 (c) The district school superintendent must provide the
2990 Department of Highway Safety and Motor Vehicles the legal name,
2991 sex, date of birth, and social security number of each minor
2992 student who has been reported under this paragraph and who fails
2993 to otherwise satisfy the requirements of s. 322.091. The
2994 Department of Highway Safety and Motor Vehicles may not issue a
2995 driver license or learner's driver license to, and shall suspend
2996 any previously issued driver license or learner's driver license
2997 of, any such minor student, pursuant to ~~the provisions of s.~~
2998 322.091.

2999 (d) ~~(e)~~ Each designee of the governing body of each private
3000 school and each parent whose child is enrolled in a home
3001 education program or personalized education program may provide
3002 the Department of Highway Safety and Motor Vehicles with the
3003 legal name, sex, date of birth, and social security number of
3004 each minor student under his or her jurisdiction who fails to
3005 satisfy relevant attendance requirements and who fails to
3006 otherwise satisfy the requirements of s. 322.091. The Department
3007 of Highway Safety and Motor Vehicles may not issue a driver
3008 license or learner's driver license to, and shall suspend any
3009 previously issued driver license or learner's driver license of,
3010 any such minor student pursuant to s. 322.091.

3011 (3) HABITUAL TRUANCY CASES.—The district school
3012 superintendent may ~~is authorized to~~ file a truancy petition
3013 seeking early truancy intervention, as defined in s. 984.03,
3014 following the procedures outlined in s. 984.151. If the district
3015 school superintendent chooses not to file a truancy petition,
3016 the case must be referred to the Department of Juvenile

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3017 Justice's designated service provider for families in need of
3018 services. The procedures for filing a child in need of services
3019 ~~child-in-need-of-services~~ petition must shall be commenced
3020 pursuant to this subsection and chapter 984 if voluntary family
3021 services do not remediate the child's truancy. The. ~~In~~
3022 ~~accordance with procedures established by the district school~~
3023 ~~board,~~ the designated school representative must shall refer a
3024 student who is habitually truant and the student's family to the
3025 Department of Juvenile Justice's designated children in need of
3026 services provider for provision of voluntary services, and may
3027 refer the case to children-in-need-of-services and families-in-
3028 ~~need-of-services provider or~~ the case staffing committee,
3029 established pursuant to s. 984.12, following the referral
3030 process established by the district interagency agreement, or
3031 the Department of Juvenile Justice in the absence of a district
3032 interagency agreement, ~~as determined by the cooperative~~
3033 ~~agreement required in this section.~~ The case staffing committee
3034 may request the Department of Juvenile Justice or its designee
3035 to file a petition for child in need of services ~~child-in-need-~~
3036 ~~of-services~~ petition based upon the report and efforts of the
3037 district school board or other community agency, and early
3038 truancy intervention by the circuit court, after review and an
3039 initial meeting, or may seek to resolve the truant behavior
3040 through the school or community-based organizations or other
3041 state or local agencies. ~~Before~~ Prior to and subsequent to the
3042 filing of a ~~child-in-need-of-services~~ petition for a child in
3043 need of services due to habitual truancy, the appropriate
3044 governmental agencies must allow a reasonable time to complete
3045 actions required by this section and ss. 984.11 and s. ~~1003.26~~

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3046 to remedy the conditions leading to the truant behavior. Prior
3047 to the filing of a petition, the district school board must have
3048 complied with the requirements of s. 1003.26, and those efforts
3049 must have been unsuccessful.

3050 (4) COOPERATIVE AGREEMENTS.—The ~~circuit manager of the~~
3051 Department of Juvenile Justice's authorized representative
3052 Justice or his or her designee ~~the circuit manager's designee,~~
3053 ~~the district administrator of the Department of Children and~~
3054 ~~Families or the district administrator's designee,~~ and the
3055 district school superintendent or his or her ~~the~~
3056 ~~superintendent's~~ designee must develop a cooperative interagency
3057 agreement that:

3058 (a) Clearly defines each department's role, responsibility,
3059 and function in working with ~~habitual~~ truants and their
3060 families.

3061 (b) Identifies and implements measures to quickly resolve
3062 and reduce truant behavior.

3063 (c) Addresses issues of streamlining service delivery, the
3064 appropriateness of legal intervention, case management, the role
3065 and responsibility of the case staffing committee, student and
3066 parental intervention and involvement, and community action
3067 plans.

3068 (d) Delineates timeframes for implementation and identifies
3069 a mechanism for reporting results by the Department of Juvenile
3070 Justice or its designated service provider ~~circuit juvenile~~
3071 ~~justice manager or the circuit manager's designee~~ and the
3072 district school superintendent or the superintendent's designee
3073 to the Department of Juvenile Justice and the Department of
3074 Education and other governmental entities as needed.

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3075 (e) Designates which agency is responsible for each of the
3076 intervention steps in this section, to yield more effective and
3077 efficient intervention services.

3078 (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—
3079 Proceedings or prosecutions under this chapter may be commenced
3080 by the district school superintendent or his or her designee, ~~by~~
3081 ~~a designated school representative, by the probation officer of~~
3082 ~~the county, by the executive officer of any court of competent~~
3083 ~~jurisdiction, by an officer of any court of competent~~
3084 ~~jurisdiction, or~~ by a duly authorized agent of the Department of
3085 Education or the Department of Juvenile Justice, by a parent, or
3086 in the case of a criminal prosecution, by the Office of the
3087 State Attorney. If a proceeding has been commenced against both
3088 a parent and a child pursuant to this chapter, the presiding
3089 courts shall make every effort to coordinate services or
3090 sanctions against the child and parent, including ordering the
3091 child and parent to perform community service hours or attend
3092 counseling together.

3093 (7) PENALTIES.—The penalties for refusing or failing to
3094 comply with this chapter shall be as follows:

3095 (a) *The parent*.—

3096 1. A parent who refuses or fails to have a minor student
3097 who is under his or her control attend school regularly, or who
3098 refuses or fails to comply with the requirements in subsection
3099 (3), commits a misdemeanor of the second degree, punishable as
3100 provided in s. 775.082 or s. 775.083.

3101 2. The continued or habitual absence of a minor student
3102 without the consent of the principal or teacher in charge of the
3103 school he or she attends or should attend, or of the tutor who

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3104 instructs or should instruct him or her, is prima facie evidence
3105 of a violation of this chapter; however, a showing that the
3106 parent has made a bona fide and diligent effort to control and
3107 keep the student in school shall be an affirmative defense to
3108 any criminal or other liability under this subsection and the
3109 court shall refer the parent and child for counseling, guidance,
3110 or other needed services.

3111 3. In addition to any other punishment, the court shall
3112 order a parent who has violated this section to send the minor
3113 student to school, and may also order the parent to participate
3114 in an approved parent training class, attend school with the
3115 student unless this would cause undue hardship or is prohibited
3116 by school rules or school board policy, perform community
3117 service hours ~~at the school~~, or participate in counseling or
3118 other services, as appropriate. If a parent is ordered to attend
3119 school with a student, the school shall provide for programming
3120 to educate the parent and student on the importance of school
3121 attendance. It shall be unlawful to terminate any employee
3122 solely because he or she is attending school with his or her
3123 child pursuant to a court order.

3124 (b) *The principal or teacher.*—A principal or teacher in any
3125 public, parochial, religious, denominational, or private school,
3126 or a private tutor who willfully violates any provision of this
3127 chapter may, upon satisfactory proof of such violation, have his
3128 or her certificate revoked by the Department of Education.

3129 (c) *The employer.*—

3130 1. An employer who fails to notify the district school
3131 superintendent when he or she ceases to employ a student commits
3132 a misdemeanor of the second degree, punishable as provided in s.

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3133 775.082 or s. 775.083.

3134 2. An employer who terminates any employee solely because
3135 he or she is attending school with a student pursuant to court
3136 order commits a misdemeanor of the second degree, punishable as
3137 provided in s. 775.082 or s. 775.083.

3138 (d) *The student.*—

3139 1. In addition to any other authorized sanctions, the court
3140 shall order a student found to be a ~~habitual~~ truant to make up
3141 all school work missed and attend school daily with no unexcused
3142 absences or tardiness, and may order the student to ~~and may~~
3143 ~~order the student to pay a civil penalty of up to \$2, based on~~
3144 ~~the student's ability to pay, for each day of school missed,~~
3145 ~~perform up to 25 community service hours at the school, or~~
3146 participate in counseling or other services, as appropriate.

3147 2. If a student has been found to be a truant status
3148 offender by the court, and the student continues to be truant
3149 from school and meets the definition of habitually truant under
3150 chapter 984, the court must proceed as provided in s. 984.151
3151 and refer the child to the department's designated service
3152 provider to convene the case staffing committee with a
3153 recommendation that a petition for child in need of services be
3154 filed ~~Upon a second or subsequent finding that a student is a~~
3155 ~~habitual truant, the court, in addition to any other authorized~~
3156 ~~sanctions, shall order the student to make up all school work~~
3157 ~~missed and may order the student to pay a civil penalty of up to~~
3158 ~~\$5, based on the student's ability to pay, for each day of~~
3159 ~~school missed, perform up to 50 community service hours at the~~
3160 ~~school, or participate in counseling or other services, as~~
3161 appropriate.

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3162 Section 33. Paragraph (g) is added to subsection (7) of
3163 section 381.02035, Florida Statutes, to read:

3164 381.02035 Canadian Prescription Drug Importation Program.—

3165 (7) ELIGIBLE IMPORTERS.—The following entities may import
3166 prescription drugs from an eligible Canadian supplier under the
3167 program:

3168 (g) A pharmacist or wholesaler employed by or under
3169 contract with the Department of Juvenile Justice, for dispensing
3170 to juveniles in the custody of the Department of Juvenile
3171 Justice.

3172 Section 34. Paragraph (a) of subsection (5) of section
3173 790.22, Florida Statutes, is amended to read:

3174 790.22 Use of BB guns, air or gas-operated guns, or
3175 electric weapons or devices by minor under 16; limitation;
3176 possession of firearms by minor under 18 prohibited; penalties.—

3177 (5) (a) A minor who violates subsection (3):

3178 1. For a first offense, commits a misdemeanor of the first
3179 degree; shall serve a period of detention of up to 5 days in a
3180 secure detention facility, with credit for time served in secure
3181 detention prior to disposition; and shall be required to perform
3182 100 hours of community service or paid work as determined by the
3183 department.

3184 2. For a second or subsequent offense, commits a felony of
3185 the third degree. For a second offense, the minor shall serve a
3186 period of detention of up to 21 days in a secure detention
3187 facility, with credit for time served in secure detention prior
3188 to disposition, and shall be required to perform not less than
3189 100 nor more than 250 hours of community service or paid work as
3190 determined by the department. For a third or subsequent offense,

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3191 the minor shall be adjudicated delinquent and committed to a
3192 residential program. A finding by a court that a minor committed
3193 a violation of this section, regardless of whether the court
3194 adjudicates the minor delinquent or withholds adjudication of
3195 delinquency, ~~withhold of adjudication of delinquency~~ shall be
3196 considered a prior offense for the purpose of determining a
3197 second, third, or subsequent offense.
3198

3199 For the purposes of this subsection, community service shall be
3200 performed, if possible, in a manner involving a hospital
3201 emergency room or other medical environment that deals on a
3202 regular basis with trauma patients and gunshot wounds.

3203 Section 35. Paragraph (a) of subsection (2) of section
3204 985.12, Florida Statutes, is amended to read:

3205 985.12 Prearrest delinquency citation programs.—

3206 (2) JUDICIAL CIRCUIT DELINQUENCY CITATION PROGRAM
3207 DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

3208 (a) A prearrest delinquency citation program for
3209 misdemeanor offenses shall be established in each judicial
3210 circuit in the state. The state attorney and public defender of
3211 each circuit, the clerk of the court for each county in the
3212 circuit, and representatives of participating law enforcement
3213 agencies in the circuit shall create a prearrest delinquency
3214 citation program and develop its policies and procedures. In
3215 developing the program's policies and procedures, input from
3216 other interested stakeholders may be solicited. ~~The department~~
3217 ~~shall annually develop and provide guidelines on best practice~~
3218 ~~models for prearrest delinquency citation programs to the~~
3219 ~~judicial circuits as a resource.~~

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3220 Section 36. Subsection (5) of section 985.126, Florida
3221 Statutes, is amended to read:

3222 985.126 Prearrest and postarrest diversion programs; data
3223 collection; denial of participation or expunged record.—

3224 (5) The department shall provide a quarterly report to be
3225 published on its website and distributed to the Governor,
3226 President of the Senate, and Speaker of the House of
3227 Representatives listing the entities that use prearrest
3228 delinquency citations for less than 80 ~~70~~ percent of first-time
3229 misdemeanor offenses.

3230 Section 37. Paragraph (c) of subsection (1) of section
3231 985.25, Florida Statutes, is amended to read:

3232 985.25 Detention intake.—

3233 (1) The department shall receive custody of a child who has
3234 been taken into custody from the law enforcement agency or court
3235 and shall review the facts in the law enforcement report or
3236 probable cause affidavit and make such further inquiry as may be
3237 necessary to determine whether detention care is appropriate.

3238 (c) If the final score on the child's risk assessment
3239 instrument indicates detention care is appropriate, but the
3240 department otherwise determines the child should be released,
3241 the department shall contact the state attorney, who may
3242 authorize release. If the final score on the child's risk
3243 assessment instrument indicates release or supervised release is
3244 appropriate, but the department otherwise determines that there
3245 should be supervised release or detention, the department shall
3246 contact the state attorney, who may authorize an upward
3247 departure. Notwithstanding any other provision of this
3248 paragraph, a child may only be moved one category in either

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3249 direction within the risk assessment instrument and release is
3250 not authorized if it would cause the child to be moved more than
3251 one category.

3252
3253 Under no circumstances shall the department or the state
3254 attorney or law enforcement officer authorize the detention of
3255 any child in a jail or other facility intended or used for the
3256 detention of adults, without an order of the court.

3257 Section 38. Paragraph (c) of subsection (7) of section
3258 985.433, Florida Statutes, is amended to read:

3259 985.433 Disposition hearings in delinquency cases.—When a
3260 child has been found to have committed a delinquent act, the
3261 following procedures shall be applicable to the disposition of
3262 the case:

3263 (7) If the court determines that the child should be
3264 adjudicated as having committed a delinquent act and should be
3265 committed to the department, such determination shall be in
3266 writing or on the record of the hearing. The determination shall
3267 include a specific finding of the reasons for the decision to
3268 adjudicate and to commit the child to the department, including
3269 any determination that the child was a member of a criminal
3270 gang.

3271 (c) The court may also require that the child be placed on
3272 conditional release ~~in a probation program~~ following the child's
3273 discharge from commitment. Community-based sanctions under
3274 subsection (8) may be imposed by the court at the disposition
3275 hearing or at any time prior to the child's release from
3276 commitment.

3277 Section 39. Section 985.625, Florida Statutes, is repealed.

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3278 Section 40. Subsection (4) of section 985.632, Florida
3279 Statutes, is amended to read:

3280 985.632 Quality improvement and cost-effectiveness;
3281 Comprehensive Accountability Report.—

3282 ~~(4) COST-EFFECTIVENESS MODEL. The department, in~~
3283 ~~consultation with the Office of Economic and Demographic~~
3284 ~~Research and contract service providers, shall develop a cost-~~
3285 ~~effectiveness model and apply the model to each commitment~~
3286 ~~program.~~

3287 ~~(a) The cost-effectiveness model shall compare program~~
3288 ~~costs to expected and actual child recidivism rates. It is the~~
3289 ~~intent of the Legislature that continual development efforts~~
3290 ~~take place to improve the validity and reliability of the cost-~~
3291 ~~effectiveness model.~~

3292 ~~(b) The department shall rank commitment programs based on~~
3293 ~~the cost-effectiveness model, performance measures, and~~
3294 ~~adherence to quality improvement standards and shall report this~~
3295 ~~data in the annual Comprehensive Accountability Report.~~

3296 ~~(c) Based on reports of the department on child outcomes~~
3297 ~~and program outputs and on the department's most recent cost-~~
3298 ~~effectiveness rankings, the department may terminate a program~~
3299 ~~operated by the department or a provider if the program has~~
3300 ~~failed to achieve a minimum standard of program effectiveness.~~
3301 ~~This paragraph does not preclude the department from terminating~~
3302 ~~a contract as provided under this section or as otherwise~~
3303 ~~provided by law or contract, and does not limit the department's~~
3304 ~~authority to enter into or terminate a contract.~~

3305 ~~(d) In collaboration with the Office of Economic and~~
3306 ~~Demographic Research, and contract service providers, the~~

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3307 ~~department shall develop a work plan to refine the cost-~~
3308 ~~effectiveness model so that the model is consistent with the~~
3309 ~~performance-based program budgeting measures approved by the~~
3310 ~~Legislature to the extent the department deems appropriate. The~~
3311 ~~department shall notify the Office of Program Policy Analysis~~
3312 ~~and Government Accountability of any meetings to refine the~~
3313 ~~model.~~

3314 ~~(e) Contingent upon specific appropriation, the department,~~
3315 ~~in consultation with the Office of Economic and Demographic~~
3316 ~~Research, and contract service providers, shall:~~

3317 ~~1. Construct a profile of each commitment program that uses~~
3318 ~~the results of the quality improvement data portion of the~~
3319 ~~Comprehensive Accountability Report required by this section,~~
3320 ~~the cost-effectiveness data portion of the Comprehensive~~
3321 ~~Accountability Report required in this subsection, and other~~
3322 ~~reports available to the department.~~

3323 ~~2. Target, for a more comprehensive evaluation, any~~
3324 ~~commitment program that has achieved consistently high, low, or~~
3325 ~~disparate ratings in the reports required under subparagraph 1.~~
3326 ~~and target, for technical assistance, any commitment program~~
3327 ~~that has achieved low or disparate ratings in the reports~~
3328 ~~required under subparagraph 1.~~

3329 ~~3. Identify the essential factors that contribute to the~~
3330 ~~high, low, or disparate program ratings.~~

3331 ~~4. Use the results of these evaluations in developing or~~
3332 ~~refining juvenile justice programs or program models, child~~
3333 ~~outcomes and program outputs, provider contracts, quality~~
3334 ~~improvement standards, and the cost-effectiveness model.~~

3335 Section 41. Subsection (8) of section 95.11, Florida

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3336 Statutes, is amended to read:

3337 95.11 Limitations other than for the recovery of real
3338 property.—Actions other than for recovery of real property shall
3339 be commenced as follows:

3340 (8) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action founded
3341 on alleged abuse, as defined in s. 39.01 or s. 415.102, ~~or s.~~
3342 ~~984.03~~; incest, as defined in s. 826.04; or an action brought
3343 pursuant to s. 787.061 may be commenced at any time within 7
3344 years after the age of majority, or within 4 years after the
3345 injured person leaves the dependency of the abuser, or within 4
3346 years from the time of discovery by the injured party of both
3347 the injury and the causal relationship between the injury and
3348 the abuse, whichever occurs later.

3349 Section 42. Subsection (1) of section 409.2564, Florida
3350 Statutes, is amended to read:

3351 409.2564 Actions for support.—

3352 (1) In each case in which regular support payments are not
3353 being made as provided herein, the department shall institute,
3354 within 30 days after determination of the obligor's reasonable
3355 ability to pay, action as is necessary to secure the obligor's
3356 payment of current support, any arrearage that may have accrued
3357 under an existing order of support, and, if a parenting time
3358 plan was not incorporated into the existing order of support,
3359 include either a signed, agreed-upon parenting time plan or a
3360 signed Title IV-D Standard Parenting Time Plan, if appropriate.
3361 The department shall notify the program attorney in the judicial
3362 circuit in which the recipient resides setting forth the facts
3363 in the case, including the obligor's address, if known, and the
3364 public assistance case number. Whenever applicable, the

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3365 procedures established under chapter 88, Uniform Interstate
 3366 Family Support Act, chapter 61, Dissolution of Marriage;
 3367 Support; Time-sharing, chapter 39, Proceedings Relating to
 3368 Children, chapter 984, Prevention and Intervention for School
 3369 Truancy and Ungovernable and Runaway Children ~~and Families in~~
 3370 ~~Need of Services~~, and chapter 985, Delinquency; Interstate
 3371 Compact on Juveniles, may govern actions instituted under this
 3372 act, except that actions for support under chapter 39, chapter
 3373 984, or chapter 985 brought pursuant to this act shall not
 3374 require any additional investigation or supervision by the
 3375 department.

3376 Section 43. Paragraph (e) of subsection (1) of section
 3377 419.001, Florida Statutes, is amended to read:

3378 419.001 Site selection of community residential homes.—

3379 (1) For the purposes of this section, the term:

3380 (e) "Resident" means any of the following: a frail elder as
 3381 defined in s. 429.65; a person who has a disability as defined
 3382 in s. 760.22(3)(a); a person who has a developmental disability
 3383 as defined in s. 393.063; a nondangerous person who has a mental
 3384 illness as defined in s. 394.455; or a child who is found to be
 3385 dependent as defined in s. 39.01 ~~or s. 984.03~~, or a child in
 3386 need of services as defined in ~~s. 984.03~~ ~~or~~ s. 985.03.

3387 Section 44. Subsection (3) of section 744.309, Florida
 3388 Statutes, is amended to read:

3389 744.309 Who may be appointed guardian of a resident ward.—

3390 (3) DISQUALIFIED PERSONS.—No person who has been convicted
 3391 of a felony or who, from any incapacity or illness, is incapable
 3392 of discharging the duties of a guardian, or who is otherwise
 3393 unsuitable to perform the duties of a guardian, shall be

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3394 appointed to act as guardian. Further, no person who has been
3395 judicially determined to have committed abuse, abandonment, or
3396 neglect against a child as defined in s. 39.01 or s. 984.03(1),
3397 (2), and (24) ~~(37)~~, or who has been found guilty of, regardless
3398 of adjudication, or entered a plea of nolo contendere or guilty
3399 to, any offense prohibited under s. 435.04 or similar statute of
3400 another jurisdiction, shall be appointed to act as a guardian.
3401 Except as provided in subsection (5) or subsection (6), a person
3402 who provides substantial services to the proposed ward in a
3403 professional or business capacity, or a creditor of the proposed
3404 ward, may not be appointed guardian and retain that previous
3405 professional or business relationship. A person may not be
3406 appointed a guardian if he or she is in the employ of any
3407 person, agency, government, or corporation that provides service
3408 to the proposed ward in a professional or business capacity,
3409 except that a person so employed may be appointed if he or she
3410 is the spouse, adult child, parent, or sibling of the proposed
3411 ward or the court determines that the potential conflict of
3412 interest is insubstantial and that the appointment would clearly
3413 be in the proposed ward's best interest. The court may not
3414 appoint a guardian in any other circumstance in which a conflict
3415 of interest may occur.

3416 Section 45. Section 784.075, Florida Statutes, is amended
3417 to read:

3418 784.075 Battery on detention or commitment facility staff
3419 or a juvenile probation officer.—A person who commits a battery
3420 on a juvenile probation officer, as defined in ~~s. 984.03~~ or s.
3421 985.03, on other staff of a detention center or facility as
3422 defined in s. 984.03(13) ~~s. 984.03(19)~~ or s. 985.03, or on a

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3423 staff member of a commitment facility as defined in s. 985.03,
3424 commits a felony of the third degree, punishable as provided in
3425 s. 775.082, s. 775.083, or s. 775.084. For purposes of this
3426 section, a staff member of the facilities listed includes
3427 persons employed by the Department of Juvenile Justice, persons
3428 employed at facilities licensed by the Department of Juvenile
3429 Justice, and persons employed at facilities operated under a
3430 contract with the Department of Juvenile Justice.

3431 Section 46. Paragraph (b) of subsection (4) of section
3432 985.618, Florida Statutes, is amended to read:

3433 985.618 Educational and career-related programs.-

3434 (4)

3435 (b) Evaluations of juvenile educational and career-related
3436 programs shall be conducted according to the following
3437 guidelines:

3438 1. Systematic evaluations and quality assurance monitoring
3439 shall be implemented, in accordance with s. 985.632(1), (2), and
3440 (4) ~~(5)~~, to determine whether the programs are related to
3441 successful postrelease adjustments.

3442 2. Operations and policies of the programs shall be
3443 reevaluated to determine if they are consistent with their
3444 primary objectives.

3445 Section 47. This act shall take effect July 1, 2025.